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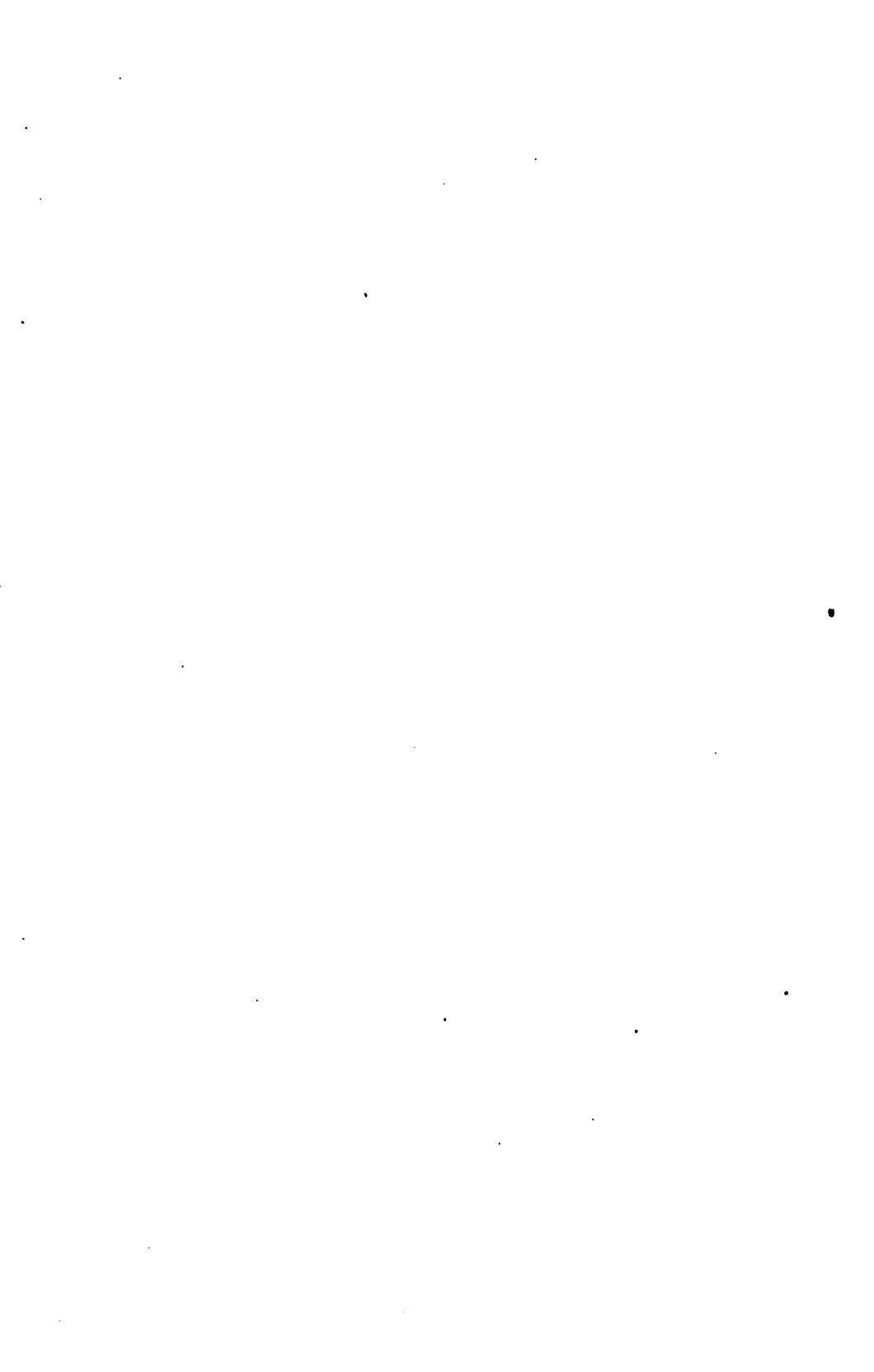




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AFFAIRS OF THE MEXICAN KICKAPOO INDIANS

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HEARINGS

BEFORE THE

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SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS

UNITED STATES SENATE

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VOLUME II

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## AFFAIRS OF THE MEXICAN KICKAPOO INDIANS.

### HEARINGS BEFORE THE SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS, UNITED STATES SENATE.

SHAWNEE, OKLA., *November 18, 1907.*

The subcommittee met at 9 o'clock a. m.

Present: Senators Teller (chairman) and Curtis; also Mr. John Embry, United States attorney for Oklahoma, and Mr. M. J. Bentley, representing the Mexican Kickapoo Indians.

LEE BAILEY, having been first duly sworn, testified as follows:

Senator CURTIS. What is your name?

Mr. BAILEY. Lee Bailey.

Senator CURTIS. Where do you live?

Mr. BAILEY. Oklahoma City, at the present time.

Senator CURTIS. How long have you lived in the Territory?

Mr. BAILEY. I have lived here about eleven or twelve years; since the opening of the Kickapoo country.

Senator CURTIS. What is your business?

Mr. BAILEY. I am a carpenter by trade.

Senator CURTIS. Did you ever live among the Kickapoos?

Mr. BAILEY. Yes, sir.

Senator CURTIS. When?

Mr. BAILEY. Since the opening of the Kickapoo country, in 1905.

Senator CURTIS. In what capacity were you with them?

Mr. BAILEY. I lived in the same settlement or neighborhood where they were located.

Senator CURTIS. You never worked for them as farmer or anything of that kind?

Mr. BAILEY. No, sir.

Senator CURTIS. Do you know anything about a large number of them moving to Mexico four or five years ago?

Mr. BAILEY. Yes, sir; I know they went away from there.

Senator CURTIS. Do you know how they were induced to go?

Mr. BAILEY. No, sir; I have no knowledge of that. I do not know anything about it.

Senator CURTIS. What was their usual condition as to other Indians; how did they rate as to other Indians? Were they as intelligent as the Poncas and the other Indians around in the Territory?

Mr. BAILEY. Yes, sir; I think so, as far as I have had any experience with them.

Senator CURTIS. Did you ever live among the Poncas and Shawnees and Sac and Fox Indians?

Mr. BAILEY. No, sir; I have lived among the Cherokees.

Senator CURTIS. The Kickapoos are not anywhere as bright as the Cherokees, are they?

Mr. BAILEY. No, sir; not taking them as a class.

Senator CURTIS. As a matter of fact, as a class they are very poor and ignorant Indians? I refer to what are known as the Kickapoo Indians—those that went to Mexico.

Mr. BAILEY. Some of them are and some are not.

Senator CURTIS. Do you know Mr. Bentley? Were you living in that neighborhood when he was agent of the Kickapoos?

Mr. BAILEY. Yes, sir.

Senator CURTIS. How near to the agency did you live?

Mr. BAILEY. Which agency do you mean?

Senator CURTIS. The Kickapoo Agency.

Mr. BAILEY. I was down in the Kickapoo country about 2 miles.

Senator CURTIS. I mean the real agency—the agency here in Shawnee.

Mr. BAILEY. That was 16 miles.

Senator CURTIS. Then you have no knowledge of their moving to Mexico, personally, except that they went?

Mr. BAILEY. Yes, sir; that is all.

Senator CURTIS. You do not know who induced them to go, do you?

Mr. BAILEY. No, sir.

Senator CURTIS. Have you any knowledge as to the selling of their land, recently, in Mexico?

Mr. BAILEY. No, sir.

Senator CURTIS. Beyond their selling their land, after they went to Mexico?

Mr. BAILEY. Yes; I know that they had sold their land.

Senator CURTIS. You do not know that, except what people say?

Mr. BAILEY. No, sir.

Senator CURTIS. You do not really know that they have made any sale?

Mr. BAILEY. No, sir; I have not seen one.

Senator CURTIS. You have not bought any of their land, have you?

Mr. BAILEY. No, sir.

Mr. EMBRY. Mr. Bailey, you lived here in the vicinity of these Kickapoos when Mr. Bentley was special Indian agent, did you not?

Mr. BAILEY. Yes, sir.

Mr. EMBRY. Did you have any transactions with Mr. Bentley to get him to aid you or assist you in securing the cancellation of what was known as the double Kickapoo allotment?

Mr. BAILEY. No, sir; not with Mr. Bentley in person.

Mr. EMBRY. Did you have any conversation with him about it?

Mr. BAILEY. I had talked with him about it.

Mr. EMBRY. What was the conversation with Mr. Bentley?

Mr. BAILEY. He always gave me instructions in regard to the matter in the event there might possibly be something wrong with the land; but he never gave me any information in regard to the matter.

Mr. EMBRY. Whom did you have your dealings with?

Mr. BAILEY. With one man—Mills.

Mr. EMBRY. How much were you to pay when you got the cancellation of the allotment?

Mr. BAILEY. I was to give him \$150, which I did.

Mr. EMBRY. Did you get the land canceled or was it refused?

Mr. BAILEY. It was refused.

Mr. EMBRY. How long did you live there?

Mr. BAILEY. Six years.

Mr. EMBRY. That was while Mr. Bentley was agent?

Mr. BAILEY. Yes, sir.

Mr. EMBRY. Was he agent during the whole six years you lived there?

Mr. BAILEY. No, sir.

Mr. EMBRY. How long did you live on there after Mr. Bentley was no longer agent?

Mr. BAILEY. I think it was two years afterwards.

Mr. EMBRY. What time did Mr. Bentley go out?

Mr. BENTLEY. In 1901.

Mr. BAILEY. Yes, sir; I lived there three years afterwards.

Mr. EMBRY. You lived there three years after Mr. Bentley went out of office?

Mr. BAILEY. Yes, sir.

Mr. EMBRY. Who induced you to go on that Indian allotment and suggested that you pay this fee of \$150 to get it canceled?

Mr. BAILEY. Mr. Shultz recommended it.

Mr. EMBRY. Who was Mr. Shultz? Did he have any connection with Mr. Bentley's affairs?

Mr. BAILEY. He told me he had a contract with Mr. Bentley.

Mr. EMBRY. What kind of a contract?

Mr. BAILEY. That for a certain amount of money it would be canceled.

Mr. EMBRY. Who is this man Shultz, and where is he?

Mr. BAILEY. He is in Canada at the present time.

The CHAIRMAN. Now, let us understand. Shultz was to get the land canceled?

Mr. BAILEY. Yes, sir.

Mr. EMBRY. Where did you put this money; how did you dispose of it? Did you deposit it or pay it over?

Mr. BAILEY. I paid it over to Mills, who was acting as agent for Mr. Bentley.

Mr. EMBRY. Who told you to pay it over?

Mr. BAILEY. Mills himself made the agreement with me and said he would work through Mr. Bentley to get it canceled.

Mr. EMBRY. Did he tell you Mr. Bentley had authorized him to take that money for that purpose?

Mr. BAILEY. Yes, sir.

Mr. EMBRY. Did you talk to Mr. Bentley about the cancellation of this allotment at any time?

Mr. BAILEY. I have talked to him a number of times.

Mr. EMBRY. Was it along during the time you were seeking to get it canceled?

Mr. BAILEY. No, sir; not after that.

Mr. EMBRY. Not after what?

Mr. BAILEY. After I gave Mr. Mills this money.

Mr. EMBRY. Did you talk with him before you gave Mills this money?

Mr. BAILEY. I never gave it any particular study.



Mr. EMBRY. Did he refer you to anyone, or did he tell you to see anyone?

Mr. BAILEY. No, sir.

Mr. EMBRY. How did you happen to see Mills?

Mr. BAILEY. Mills called to see me.

The CHAIRMAN. Do you know anything about it except what Mills told you? You say Mills told you certain things. Now, do you know anything about whether it is true or not what Mills told you?

Mr. BAILEY. I had reason to believe it was true because he was on a piece of land of the same kind and got a deed to it, and knowing that he and Bentley had worked a good deal together—that was my reason.

Senator CURTIS. You know Mr. Bentley recommended that they be not canceled, and it was not canceled, do you not?

Mr. BAILEY. Mr. Bentley refused to recommend the cancellation of the entry.

Senator CURTIS. He refused, and the Department refused?

Mr. BAILEY. I do not know anything about that.

Senator CURTIS. But it was not canceled?

Mr. BAILEY. No, sir; it was not canceled.

Senator CURTIS. And he told you that he had refused to recommend that it be canceled, did he not, afterwards?

Mr. BAILEY. Yes, sir; I think he did.

Senator CURTIS. Then you must have been worked by somebody?

Mr. BAILEY. Yes, sir; I was worked by somebody.

Senator CURTIS. Do you know the name of this Indian allottee?

Mr. BAILEY. I got it from the record in two or three different names. I have not the papers here. I think my papers are in charge of Mr. Thackery at the present time.

Senator CURTIS. The records were in the Indian Office here showing what piece it was that you were contesting, were they not?

Mr. BAILEY. Yes, sir.

Senator CURTIS. And showing your name in connection with it?

Mr. BAILEY. Yes, sir; I never got any decision.

Mr. BENTLEY. Is it not a fact that this old man Mills came to you pretending to represent me in some way, and he swindled you out of \$150? You never got any value for that?

Mr. BAILEY. No, sir.

Mr. BENTLEY. He actually beat you out of it, did he not?

Mr. BAILEY. Yes, sir.

Mr. BENTLEY. Did you ever know any reason why I helped Mills to get the piece of land to live on? Was any reason ever assigned by anybody?

Mr. BAILEY. Only for this reason: I knew he had been your interpreter and you and he were working together.

Mr. BENTLEY. You lived within half a mile of the home of Ah-che-che, I believe?

Mr. BAILEY. A half a mile or three-quarters of a mile.

Mr. BENTLEY. Do you recall that this negro Mills helped Ah-che-che to open a pretty good farm there?

Mr. BAILEY. Yes, sir.

Mr. BENTLEY. And helped to erect a very substantial fence and good gates, and they built a new barn?

Mr. BAILEY. Yes, sir.

Mr. BENTLEY. And dug a well to get good water?

Mr. BAILEY. Yes, sir.

Mr. BENTLEY. Do you not recall that I once said to you that the land I had gotten for Mills was part payment for the hard work that he had done among the Kickapoos, and that that was the only way I could compensate him? He was a negro and they thought he ought to have a home?

Mr. BAILEY. I believe I called on him one time to measure up some land there—some grubbing that he had done—and to make an estimate, and you spoke something in regard to a settlement; you would like to do something for him in some way, I do not remember what it was.

Mr. BENTLEY. You remember he had done a great deal of hard work for the Indians, do you not?

Mr. BAILEY. Yes, sir; I remember the amount of work he had done up to that time would figure up about \$128 on that place.

Mr. BENTLEY. Do you know O-que-nah-ko-the, the old chief? You knew him in his lifetime quite well, did you not?

Mr. BAILEY. Yes, sir.

Mr. BENTLEY. You recall that he was in quite delicate health for several years before he died?

Mr. BAILEY. Yes, sir.

Mr. BENTLEY. Is it not your opinion that this old negro, Mills, really took care of him and had a cow and milked it to give him milk, and looked after the family generally?

Mr. BAILEY. Yes, sir.

Mr. BENTLEY. On the land that Mills later acquired as a home-  
stead?

Mr. BAILEY. Yes, sir.

Mr. BENTLEY. And when the old chief died he continued to live there and the land was canceled, and Mills got it?

Mr. BAILEY. Yes, sir.

The CHAIRMAN. How long ago did that transaction take place? When was this land canceled? How long ago was it since this man's claim was rejected? You were living on it for two years after Mr. Bentley left. Now, when did you get notice from the Department that you were going to lose the place?

Mr. BAILEY. I think it was in 1903, if I remember right.

Mr. BENTLEY. Did you take an appeal?

Mr. BAILEY. Yes, sir; I did.

Mr. BENTLEY. Was that when your appeal was concluded, in 1903?

Mr. BAILEY. It was in 1904 that I was dispossessed of the place—  
May, 1904.

The witness was thereupon excused.

E. E. HOOD, having been first duly sworn, testified as follows:

Senator CURTIS. What is your name?

Mr. HOOD. E. E. Hood.

Senator CURTIS. What is your business?

Mr. HOOD. Attorney at law.

Senator CURTIS. Where do you live?

Mr. HOOD. Shawnee, Okla.

Senator CURTIS. Are you acquainted with the Kicking Kickapoo tribe of Indians?

Mr. HOOD. Part of them.

Senator CURTIS. I will ask you to state if you were in Mexico during the year 1906 or 1907.

Mr. HOOD. During the year 1906, the latter part of it, I was; yes, sir.

Senator CURTIS. What business transactions had you with them at that time?

Mr. HOOD. I went down there for the purpose of paying an Indian, Pem-me-pah-ho-ne-nah, part of the purchase price of the same land that had been bought for me by Mr. J. R. Jacobs about thirty days prior to that time.

Senator CURTIS. Did you pay him?

Mr. HOOD. I paid him a part.

Senator CURTIS. How much did you pay him?

Mr. HOOD. At that time I paid him \$400 in Mexican money.

Senator CURTIS. What was the amount due him at that time?

Mr. HOOD. The amount due him at that time, the consideration was \$800. Mr. Jacobs at the time he purchased the land paid him \$200, and afterwards I paid him \$400 Mexican money, or \$200 American.

Senator CURTIS. Eight hundred dollars was American money, was it?

Mr. HOOD. The deed did not say.

Senator CURTIS. Have you the original deed?

Mr. HOOD. I have.

Senator CURTIS. Please produce it for the inspection of the committee.

(The paper was exhibited.)

Mr. EMBRY. You got two contracts in your name, did you not?

Mr. HOOD. Yes, sir; I will explain that a little later. I do not know anything about the other contract.

Senator CURTIS. I notice this paper that you have handed me is witnessed by George B. Kishketon, and Alberto Lobo, Republic of Mexico, State of Monclova. Is this the deed you got when you were there?

Mr. HOOD. No, sir; that was taken about thirty days prior, when Mr. Jacobs was there.

Senator CURTIS. You were not there?

Mr. HOOD. No, sir.

Senator CURTIS. You know nothing about the circumstances surrounding the taking of the deed?

Mr. HOOD. No, sir; except from hearsay.

Senator CURTIS. Do you know this Indian personally?

Mr. HOOD. I did not at that time. I met him while I was down there.

Senator CURTIS. How much is there still due on this place?

Mr. HOOD. There is still due on the place \$400.

Senator CURTIS. Is he still here in town?

Mr. HOOD. He is not. At least I have not seen him. I made inquiry of several parties concerning him.

Senator CURTIS. Did you give him a mortgage on the land?

Mr. HOOD. I did not.

Senator CURTIS. When you paid him this \$200 what did you say to him?

Mr. HOOD. Nothing.

Senator CURTIS. Did he know whether it was a loan or a payment?

Mr. HOOD. Well, I went down there with the intention of paying him the full amount that was due him, amounting to \$600, but I did not like the situation after I got there and paid him but \$200.

Senator CURTIS. Was he drunk at that time?

Mr. HOOD. No, sir; he was sober.

Senator CURTIS. You do not know whether this deed was read to him or not at the time he signed?

Mr. HOOD. I could not say as to that.

Senator CURTIS. You do not know whether this was one of the number of men whose names were forged to the deed?

Mr. HOOD. No, sir; I know nothing about the transaction.

Senator CURTIS. What is the land really worth?

Mr. HOOD. The land is really worth about \$1,200.

The CHAIRMAN. How much is there of it?

Mr. HOOD. Eighty acres.

Senator CURTIS. You say you were not satisfied with the situation. That was the reason you did not pay any more money. I wish you would tell the committee why you were not satisfied, and also what month you were there. The deed is dated the 31st day of December, 1906.

Mr. HOOD. I was down there probably in January, 1907. In the first place I instructed Jacobs at the time he was going to Mexico that if he saw an opportunity to buy a piece of land at a reasonable sum for me to do so. Some time after that I got word from him that he had bought a piece of land for me.

Senator CURTIS. He wired you, did he not?

Mr. HOOD. I think probably he did wire me, or some one else, who informed me. He probably wired Garrett, but I got the information, and in a short time afterwards this deed, accompanied by a draft, came back to the bank in which I was doing business. I was not fully satisfied as to where the money was going and I did not pay the draft.

The CHAIRMAN. What amount was the draft for?

Mr. HOOD. The draft was for \$800.

The CHAIRMAN. The whole amount?

Mr. HOOD. Yes, sir; that is my recollection at this time. So I thought I would go down and investigate a little myself.

The CHAIRMAN. What bank did it come from?

Mr. HOOD. If I am not mistaken, the Shawnee State Bank. I am not positive about that, however. When I got to Eagle Pass I was in company with Mr. John Garrett and Dr. R. C. Conine. I did not talk much with that banker myself about the matter; in fact, none—Mr. Schmidt, of the First National Bank—but anyhow the deed at that time was turned over to me by the bank without paying anything.

Senator CURTIS. Without paying a dollar of money?

Mr. HOOD. Without paying a dollar of money. I went to Monclova with Garrett and Conine and from there I went to Muzquiz,

and I met the Indian. At that time I had paid him \$400 in Mexican money.

Senator CURTIS. You say you had no talk with him?

Mr. HOOD. No talk before this.

Senator CURTIS. What did he say at the time?

Mr. HOOD. He had but very little to say. We sat down and had some dinner with an Indian—I have forgotten his name—and I told the interpreter that I had come down to make a settlement with him for the amount, and to tell him at that time that I did not feel that I wanted to pay him the full amount; that I understood there was \$600 due; \$200 had been paid to Jacobs, and I would pay him \$200 more, and would pay him the rest later, and I counted out the money and paid it to him and he took it.

Senator CURTIS. Who was the interpreter?

Mr. HOOD. George Kishketon. Either he or Mack Johnson, I am not sure. There were three of them—Mack Johnson, George Kishketon, and Conine, who talked Mexican.

Senator CURTIS. You do not know what was interpreted to the Indian, do you?

Mr. HOOD. Not a bit. I did not understand either Kickapoo or Mexican.

Senator CURTIS. At that time was Mr. John Garrett there about buying land?

Mr. HOOD. He was.

Senator CURTIS. Were you in any compact with Garrett, either before he went down or afterwards?

Mr. HOOD. Not any more than I advised him about some legal matters. Before he went, I drafted a form of deed for him.

Senator CURTIS. Did you advise him or any of those other people in reference to the legality of marriages in Mexico?

Mr. HOOD. I did not.

Senator CURTIS. Did you ever advise Grimes in reference to marriages in Texas?

Mr. HOOD. I did not; no, sir.

Senator CURTIS. Or Conine?

Mr. HOOD. No, sir; but I tried a little matter in the probate court for him, and it then came out. That was the first time I knew of this matter coming up.

Senator CURTIS. Then you did not advise Mr. Grimes that it would be legal to have people married down there at the ages of 15 and 17?

Mr. HOOD. No, sir; I knew nothing about that.

Senator CURTIS. At that time whom did Garrett have working with him in Mexico, if you know, or at Eagle Pass in helping with deals?

Mr. HOOD. No one that I know of at Eagle Pass.

Senator CURTIS. Whom did he have in Mexico?

Mr. HOOD. I do not think he had anyone in Mexico. I think Kishketon was the interpreter.

Senator CURTIS. At that time was not Conine in his employ?

Mr. HOOD. I am not sure about Conine.

Senator CURTIS. You can not swear before the committee that he was working for him at \$125 per month?

Mr. HOOD. I know nothing about that. I know he was there.

Senator CURTIS. You have not executed this Indian a mortgage and have not paid him any more money. Is that correct?

Mr. HOOD. Yes, sir.

Senator CURTIS. And you do not know that there was a cent paid to him at the time the deed was executed or not?

Mr. HOOD. Only from hearsay.

Senator CURTIS. You do not know whether the deed was read to him or not, do you?

Mr. HOOD. No, sir; I do not.

Senator CURTIS. At the time you were there you took no steps to ascertain whether he wanted all the money or not?

Mr. HOOD. Well, no, sir; not any more than what I have told you.

Senator CURTIS. Is this title still in you? Have you sold it to anybody?

Mr. HOOD. I have not. It is still in me.

Senator CURTIS. When you were down there did you get another piece of property?

Mr. HOOD. I did not.

Senator CURTIS. I think you said there were two in your name?

Mr. HOOD. They are in my name. I never took either of those.

Senator CURTIS. How about the other transaction?

Mr. HOOD. As to the other transaction, at the time this deed was taken Mr. J. R. Jacobs took a deed from Pem-me-pah-ho-ne-nah for one-half interest, as I understand it, in a certain tract of land which adjoins this, and the consideration stated in that deed was \$200, but I have never paid anything of that and do not recognize that really as being mine because I did not authorize him to buy it.

Senator CURTIS. You are ready to convey it back to the Government by quitclaim, are you?

Mr. HOOD. Yes, sir; as far as I am concerned. I do not claim any interest in that at all.

Mr. EMBRY. What transaction is that?

Mr. HOOD. That deed I did not bring. It is in my office. I will send it down to the committee.

Senator CURTIS. You had no agreement or understanding when you went down there with Garrett of any kind, had you?

Mr. HOOD. No sir; I had nothing to do with his transactions.

Senator CURTIS. Do you know who else was with him?

Mr. HOOD. Yes, sir.

Senator CURTIS. Who were interested with him?

Mr. HOOD. I could not say that. I understood you to say, "Who was with him?"

Senator CURTIS. Well, who was with him down there?

Mr. HOOD. Dr. Conine, George Kishketon, and myself were the three that went down. I went down as I told you.

Senator CURTIS. Did you take any Indians with you at that time?

Mr. HOOD. Yes, sir; they took some Indians.

Senator CURTIS. Whom did they take?

Mr. HOOD. George Minor; and there was a woman along that I think was his wife.

Mr. BENTLEY. A one-eyed woman?

Mr. HOOD. I think probably she was; and then I think there was a boy probably 17 or 18 years old along.

Mr. BENTLEY. You do not remember who that boy was, do you?

Mr. HOOD. It was the old woman's boy who was sick.

Senator CURTIS. Is that the boy sitting there?

Mr. BENTLEY. His name is Mah-teck-que-net-ne.

Senator CURTIS. Where did these Indians take the train, where were they put off?

Mr. HOOD. I can not tell. I boarded the train here at Shawnee and the Indians were on it when I got on.

Senator CURTIS. Where did you say they got on the train?

Mr. HOOD. They were on the train when I got on. I got on at Shawnee.

Senator CURTIS. They did not get on here; you know that?

Mr. HOOD. They did not.

Senator CURTIS. Who was with them when you got on the train, George Kishketon?

Mr. HOOD. I think so; I am not sure about that.

Senator CURTIS. Do you remember George Kishketon or Mr. Garrett or Mr. Jacobs saying anything about what trouble they had had in getting the Indians away from the agent to get them on the train?

Mr. HOOD. No, sir; not then.

Senator CURTIS. Did you hear them say afterwards?

Mr. HOOD. Not those Indians. I know they had had trouble before that.

Senator CURTIS. What Indians did you hear them say they had trouble getting away from the agent?

Mr. HOOD. I never heard any one of those parties say anything about having any trouble about getting away.

Senator CURTIS. You defended Grimes, did you not, when he was trying to take them away?

Mr. HOOD. Yes, sir; it was for alienating the affections of the Indians from the United States Government.

Senator CURTIS. That must be under an old statute?

Mr. HOOD. Yes, sir; it is an old war statute. I have one more contract of land here that I would not mind getting a little information about.

Senator CURTIS. What is it?

Mr. HOOD. That is the George Kishketon contract. I do not want to bother you gentlemen about it.

Senator CURTIS. We want all the facts, and will be glad to have you make any statement about it.

Mr. HOOD. There was a suit filed against me for recovery of the land.

The CHAIRMAN. Is the suit now pending?

Mr. HOOD. Yes, sir; for cancellation of the deed.

Senator CURTIS. Just state the facts.

Mr. HOOD. I had been acquainted with George Kishketon for some time, but had never had any business transaction with him. About a year ago or a little less he wanted to sell his land, and he told me it was the piece of land this side of Dale, on this side of the river, about 30 or 40 acres in cultivation, and we had passed it on the train and had noticed it and thought it was worth the money, and one day I bought it of him and gave him \$400 in cash—that is, \$350 in cash and \$50 attorney's fee that he owed me—making \$400. Then I gave him notes for \$500, which were afterwards taken up. That made \$900. I went over there about three months ago, and there was not an acre broke and not a fence. It was a piece of land probably that

if a man can get \$500 or \$600 for he will catch a sucker. I am not a kicker, but this is the fact.

Senator CURTIS. Now, as I understand it, you will bring down the deed that you claim no interest in and paid nothing on?

Mr. HOOD. Yes, sir.

The CHAIRMAN. Is Kishketon making any complaint about this matter?

Mr. HOOD. None, except a bill has been filed against me in which he is one of the complainants.

The CHAIRMAN. The Government filed it, did it?

Mr. HOOD. It is in Kishketon's name.

Mr. EMBRY. I understand that you got the deed and the allotment of Pem-me-pah-ho-nah's own allotment.

Mr. HOOD. His own allotment; yes, sir.

Mr. EMBRY. That is the one where the consideration was to be \$800?

Mr. HOOD. Yes, sir.

Mr. EMBRY. And on that you understood Jim Jacobs had paid \$200?

Mr. HOOD. Two hundred dollars; yes, sir.

Mr. EMBRY. And you later paid \$400 Mexican money, or \$200 American?

Mr. HOOD. Yes, sir.

Mr. EMBRY. Leaving \$400 unpaid?

Mr. HOOD. Yes, sir.

Mr. EMBRY. Do you know that Jim Jacobs ever paid that \$200, or any part of it?

Mr. HOOD. I have only his word for it.

Mr. EMBRY. Has he ever asked you to reimburse him for this?

Mr. HOOD. At that time I understood him that Jim Jacobs was purchasing land in Garrett's name, and Garrett asked me to reimburse him—to send him \$200.

Mr. EMBRY. That is John Garrett?

Mr. HOOD. Yes, sir.

Mr. EMBRY. Now, the other interest which you bought from Pem-me-pah-ho-nah was an inheritance in an allotment, was it?

Mr. HOOD. Yes, sir.

Mr. EMBRY. It was his right as an heir?

Mr. HOOD. Yes, sir.

Mr. EMBRY. You will bring the deed down of the other allotment, will you?

Mr. HOOD. Yes, sir.

Mr. EMBRY. Would you know the name of the Indian from whom he inherited, or in which he sold you an interest?

Mr. HOOD. I probably would, but I am not sure.

Mr. EMBRY. Was it Me-paw-ke-quah?

Mr. HOOD. It is my recollection that that is the name.

Mr. EMBRY. And the consideration of \$400 for the Kishketon deed is all you pretend to have paid Pem-me-pah-ho-nah for any of that land, either for his allotment or for the interest you got in it?

Mr. HOOD. Yes, sir; but I want to say that at any time this matter is settled if I can get the land that is in court now, in suit, I am ready and willing to pay the money. I will put up a certified check



for it. I made a proposition to the Government sometime ago, through one of these agents, that I was willing to have any land that I was interested in appraised, and if it was appraised for more than I paid or what the deed shows was paid for it I would pay the difference in the appraised value. I made the following proposition in writing to the Department:

I am willing to have these lands appraised, and in the event that they are appraised for a greater amount than I paid the Indians I will pay the difference between what I have paid and the appraised value when the Secretary of the Interior approves the deed. I would suggest that the Government select one appraiser and the appraiser the other, and in case the two can not agree that they select the third. I make this proposition, believing that it is the policy of the Government to protect the Indians, and not to assist the Indians in obtaining that which he would not be entitled to, and for the further purpose of obtaining a speedy settlement.

I want to make a statement here. Mr. Garrett claims that that deed should be given to him—that is, I should give to him a deed for that part of the land. It was part of his money, and the deed was taken in my name, when it should have been taken in his. I never made any conveyance of it.

Senator CURTIS. The committee notifies you not to make any deed to Garrett, and you had better look over the records to see how secure the title is. If you read this record, you will be satisfied that Garrett has no title to anything.

The deed is as follows:

#### WARRANTY DEED.

OKLAHOMA TERRITORY, *Pottawatomie County*, ss:

Know all men by these presents, that Ma-tha-ko-tha, party of the first part, in consideration of the sum of three hundred dollars in hand paid, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell, and convey unto W. L. Chapman, party of the second part, the following described real property and premises, situated in Pottawatomie County, Oklahoma Territory, to wit: North one-half (½) of the southwest quarter (¼) of section eleven (11), township (11) north, of range two (2) east of the I. M.—not a homestead—allotment No. 147, together with all improvements thereon and the appurtenances thereto belonging, and warrant the title to the same.

To have and to hold said described premises unto the said party of the second part, his heirs and assigns forever, free, clear, and discharged of and from all former grants, charges, taxes, judgments, mortgages, and other liens and incumbrances of whatsoever nature, except

Signed and delivered this 23 day of July, 1906.

MA-THA-KO-THA (her x mark).

Witnesses to mark:

R. C. CONINE.  
ALBERTO LOBO.

Republic of Mexico, State of Coahuila de Faragaza, district of Monclova, city of Muzquiz:

Before me, Lic. F. Valdis Llano, first judge of the district court of said district and Republic, same being a court of record and general civil jurisdiction, on this 23 day of July, 1906, personally appeared Ma-tha-ko-tha, and in said district and in due and regular form executed the above and foregoing conveyance in my presence and acknowledged to me that he executed the same as his free and voluntary act and deed for the purposes and consideration therein stated and set forth.

Same being through my interpreter, Sr. Alberto Lobo.

Witness my hand and official seal the day and date above written,

[SEAL.]

F. VALDIS LLANO,  
First Judge of Monclova District Court.  
ALBERTO LOBO.

*Affidavit.*

Republic of Mexico, State of Coahuila de Faragaza, district of Monclova, city of Muzquiz, ss:

Ma-tha-ko-tha, of lawful age, being first duly sworn, on oath deposes and says that he is a member of the Mexican Kickapoo tribe of Indians, and as such member

of the said tribe of Indians was allotted N.  $\frac{1}{2}$  of SW.  $\frac{1}{4}$  of sec. 11, twp. 11 north, range 2, east of Indian meridian in Pottawatomie County, Oklahoma Territory, being Kickapoo allottee No. 147; that he is now and has been for more than 21 (years) last past a resident of the Republic of Mexico, and is now a resident of the United States of America.

MA-THA-KO-THA (her x mark).

Witnesses to mark:

R. C. CONINE.

ALBERTO LOBO.

Subscribed and sworn to before me this 23 day of July, 1906.

[SEAL.]

F. VALDIZ LLANO.

State of —, County of —, ss:

Mack Johnson, having been sworn as interpreter to interpret for the Judge Lic. F. Valdis Llano to the grantor in the attached deed, Ma-tha-ko-tha, Kickapoo allottee, from the English to the Kickapoo Indian language and from the Kickapoo Indian language to the English language, for said grantor, does here now state under the sanction of his oath that he speaks and understands the said two languages, and that he truly interpreted the questions and answers in reference to the within deed, and that the said grantor Ma-tha-ko-tha fully understands the purport, purpose, and contents of said instrument.

MACK JOHNSON, *Interpreter.*

Sworn to and subscribed before me by the said Mack Johnson this 23 day of July, 1906.

[SEAL.]

G. VALDIS LLANO,

*First Judge of Monclova District Court.*

NOTE.—This deed is signed on July 23, 1906. It looks as though it was originally signed on July "21st," but was afterwards changed to the "23rd."

Senator CURTIS. I wish you would note that the deed is changed from the 21st to the 23d.

The witness was thereupon excused.

Subsequently the witness E. E. HOOD was recalled for further examination.

Mr. HOOD. I produce a deed from Pem-me-na-hon-nah to myself for the following-described real estate in Lincoln County, Okla.:

The N.  $\frac{1}{2}$  N.W.  $\frac{1}{4}$  sec. 19, Tp. 12 N., R. 2 E. of the Indian meridian, allotment No. 85. The conveyance in this case only covers an undivided one-half, being the allotment of Me-paw-kie-quah, my deceased wife.

In this deed I claim no interest.

Senator CURTIS. What do you say about being ready to surrender it?

Mr. HOOD. I am willing to surrender it to the proper parties. Garrett claims an interest. I have no interest in it.

Senator CURTIS. Who brought you this deed?

Mr. HOOD. Mr. J. R. Jacobs.

The CHAIRMAN. The same man who brought you the other deed?

Mr. HOOD. Yes, sir; the same man that took the other deed for me. I got that at the bank at Eagle Pass.

The CHAIRMAN. The same man who bought it for you, or said he did?

Mr. HOOD. Yes, sir.

The CHAIRMAN. Now, have you ever had any conversation with anybody about the purchase of this land?

Mr. HOOD. I have not.

The CHAIRMAN. I mean this particular piece?

Mr. HOOD. No, sir; I have not.

The CHAIRMAN. You have paid no money on it?

Mr. HOOD. No, sir; I have not.

The CHAIRMAN. And you have never accepted it as an act on your part?

Mr. HOOD. I had it recorded in the office of the register of deeds, because I thought it was Mr. Garrett's, and he actually paid his money for it, and I thought probably at the time it would go to him.

The CHAIRMAN. Does Mr. Garrett now claim that he paid the money?

Mr. HOOD. He claims the land; yes, sir. Mr. Jacobs said that he inserted my name there instead of the name of Jacobs through mistake.

The CHAIRMAN. That is Mr. Garrett's position?

Mr. HOOD. That is Mr. Jacob's position to Mr. Garrett; I understand that Mr. Jacobs was working with Garrett at that time that he took the deed.

The CHAIRMAN. Do you know anything about this land, about its value or anything of that kind?

Mr. HOOD. No, sir; I do not. I do not know that I ever saw that particular land.

The CHAIRMAN. You had had no talk with Garrett about it?

Mr. HOOD. Prior to the time of taking the deed, none whatever.

The CHAIRMAN. He now wants to make you trustee for him, does he?

Mr. HOOD. I do not know; I presume that is it. They made it to me through mistake, and the name of Garrett had been inserted there instead of Hood.

The CHAIRMAN. Have you brought suit to set this aside?

Mr. HOOD. Yes, sir; and filed an answer setting up the facts.

The CHAIRMAN. Have you filed an answer setting up the facts?

Mr. HOOD. I set up the facts that the deed was taken for the party by Jacobs in my name.

The CHAIRMAN. Have you disclaimed in that?

Mr. HOOD. No, sir; I did not disclaim any ownership.

The CHAIRMAN. But you do here, as I understand you?

Mr. HOOD. As a matter of fact I have no ownership in it because I paid nothing for it and never authorized it to be taken, but in filing an answer I set up all of my rights.

The CHAIRMAN. Does Garrett claim it was a mistake in putting your name in, or does he claim that it was done by Jacobs fraudulently?

Mr. HOOD. He claims that he knows nothing about the facts. Jacobs went down there to get land for him, and he claims that his money should be put in.

The CHAIRMAN. Are Jacobs and Garrett parties to this suit?

Mr. HOOD. Mr. Garrett has an interest.

The CHAIRMAN. No, I mean in the suit that was brought?

Mr. HOOD. The suit was brought jointly against Garrett and myself. Garrett has an interest—a deed to the other half.

The CHAIRMAN. You only get one-half of this?

Mr. HOOD. Yes, sir.

The CHAIRMAN. And Garrett has the other half?

Mr. HOOD. Yes, sir.

The CHAIRMAN. I suppose Garrett sets up title to the whole of it?  
Mr. HOOD. He probably will.  
The witness was thereupon finally excused.

THOMAS CLEARY, having been first duly sworn, was examined, and testified as follows:

Senator CURTIS. State your name to the committee.

Mr. CLEARY. Thomas Cleary.

Senator CURTIS. Where do you live?

Mr. CLEARY. Three miles north and 4½ miles west of Pottawatomie County.

Senator CURTIS. How long have you lived in this section of the country?

Mr. CLEARY. Ever since 1901.

Senator CURTIS. Are you acquainted with a band of Indians known as the Kicking Kickapoos?

Mr. CLEARY. Yes, sir.

Senator CURTIS. How long have you been acquainted with the members of that band, the various members of it?

Mr. CLEARY. I am not very well acquainted with them.

Senator CURTIS. Did you ever live among them?

Mr. CLEARY. Yes, sir.

Senator CURTIS. How many years?

Mr. CLEARY. Three.

Senator CURTIS. When was that?

Mr. CLEARY. I went on the place along the last of January, 1901.

Senator CURTIS. And stayed there three years?

Mr. CLEARY. Yes, sir; a little over three years.

Senator CURTIS. Were you there when Mr. Bentley was their agent?

Mr. CLEARY. Yes, sir.

Senator CURTIS. Do you know anything about their having gone to Mexico—quite a number of them—the Kicking Kickapoos?

Mr. CLEARY. No, sir; I do not know about that.

Senator CURTIS. You do not know how they happened to go or anything about it except that they went.

Mr. CLEARY. Yes, sir; I do not know anything about how they came to go or when they went.

Senator CURTIS. You have not been in Mexico yourself?

Mr. CLEARY. No, sir.

Senator CURTIS. You know nothing about their having sold their lands down there, or anything of that kind, do you?

Mr. CLEARY. No, sir; I never was there and do not know anything about it.

Mr. EMBRY. Did you contest that Kickapoo allotment during the time Mr. Bentley was agent?

Mr. CLEARY. Yes, sir.

Mr. EMBRY. What understanding did you have with Mr. Bentley about that matter?

Mr. CLEARY. I do not know. I did not have much to do with Mr. Bentley. I first bought out a lease and then I stayed there. I bought out a lease, and Mr. Bentley sent me word by the farmer—who he said he was I do not know; but the farmer said he sent him

there to make a new lease on it. I bought out the lease. I do not know anything about it; I never got any lease paper. I stayed there about three years, and a good many of them told me it was a fraudulent allotment and got me to contest it.

Mr. EMBRY. Who told you that?

Mr. CLEARY. There were several of the Indians; I do not know their names.

Mr. EMBRY. Did Mr. Bentley tell you whom to employ as attorney?

Mr. CLEARY. He told me I might gain the land.

Mr. EMBRY. Mr. Bentley told you you might gain the land?

Mr. CLEARY. Yes, sir.

Mr. EMBRY. Did he tell you whom to employ as attorney?

Mr. CLEARY. No, sir.

Mr. EMBRY. Whom did you employ?

Mr. CLEARY. Gen. J. H. Everest.

Mr. EMBRY. Of Oklahoma City?

Mr. CLEARY. Yes, sir.

Mr. EMBRY. How much were you to pay in the event you got the cancellation of that allotment and got your filing on it as a homestead?

Mr. CLEARY. I was to pay \$200.

Mr. EMBRY. To whom were you to pay it?

Mr. CLEARY. To Mr. Everest.

Mr. EMBRY. Were you to pay any other sums than that?

Mr. CLEARY. I had to pay him \$25 to start with.

Mr. EMBRY. Twenty-five dollars to start with?

Mr. CLEARY. Yes, sir.

Mr. EMBRY. Was that a retaining fee?

Mr. CLEARY. Yes, sir.

Mr. EMBRY. In the event it was won you were to pay him how much?

Mr. CLEARY. Two hundred dollars.

The CHAIRMAN. Two hundred dollars more?

Mr. CLEARY. Yes, sir; \$200 more.

Mr. EMBRY. Did you have any talk with Mr. Bentley about Joe Whipple causing fictitious allotments to be made to dead Indians and dogs and anything of that kind?

Mr. CLEARY. I do not remember whether Mr. Bentley was there or not, but it seems to me he was. It has been a long time ago.

Mr. EMBRY. What was said about that?

Mr. CLEARY. Joe never told me anything about that.

Mr. EMBRY. Mr. Bentley was there, you think?

Mr. CLEARY. They were acquainted with the allotments, and there had been some that were allotted to Indians that had been dead long before the allotments, and some were allotted to Indian dogs in the name of the Indian.

Mr. EMBRY. Was that the time you and Mr. Bentley talked about this being one of those fictitious allotments?

Mr. CLEARY. Yes, sir.

Mr. EMBRY. And you and he talked about the possibility of your contesting it?

Mr. CLEARY. I do not think he advised me to contest it.

Mr. EMBRY. Did Mr. Bentley, or not, recommend the cancellation of this? Did you win this contest?

Mr. CLEARY. No, sir; I lost it.

Mr. EMBRY. Lost it when?

Mr. CLEARY. Along in January, after I had left him 13 years.

Mr. EMBRY. Did you have any written contract with Mr. Bentley?

Mr. CLEARY. No, sir.

Mr. EMBRY. You lost in January, after you had left him 13 years. That was what time, with reference to the time Mr. Bentley ceased being Indian agent?

Mr. CLEARY. He had gone out before that. This other man was agent then. He was the one that had me put off.

Mr. EMBRY. Mr. Thackery was the man who had you put off?

Mr. CLEARY. Yes, sir.

Mr. EMBRY. Did you pay any rent while you were there?

Mr. CLEARY. No, sir.

The CHAIRMAN. For nobody?

Mr. CLEARY. No, sir.

Mr. EMBRY. Did you pay General Everest any more than this \$25 to start with?

Mr. CLEARY. No, sir; if he gained the place for me I was to pay him, and if he did not I was not to pay him.

The CHAIRMAN. You paid him what you agreed to pay him?

Mr. CLEARY. Yes, sir.

The CHAIRMAN. Did not Mr. Bentley say he wanted you to pay along while you stayed on there?

Mr. CLEARY. No, sir.

The CHAIRMAN. Did he not require you to give a lease?

Mr. CLEARY. No, sir; I had paid the lease, but had never made any lease paper.

The CHAIRMAN. How long did you stay on there during the time Mr. Bentley was agent?

Mr. CLEARY. I think it was nearly two years—I am not certain.

The CHAIRMAN. Did he ask you during any of that time to pay rent on any of that land?

Mr. CLEARY. No, sir.

The CHAIRMAN. You understood you were not to pay rent on it?

Mr. CLEARY. Until I got the lease papers.

The CHAIRMAN. But you never got your lease papers?

Mr. CLEARY. No, sir.

The CHAIRMAN. When you left there did you pay any lease money?

Mr. CLEARY. No, sir; they put me out there before.

The CHAIRMAN. How long were you there after Mr. Thackery became the agent?

Mr. CLEARY. I do not recollect. I was off a whole lot of the time. During that first year I was on the place I had all my stock stolen from me and I was off looking for them a whole lot during that year, and I do not know just when Mr. Bentley left or Mr. Thackery came in.

The CHAIRMAN. Did Mr. Thackery demand any lease money of you?

Mr. CLEARY. No, sir; he never did bother me until he came out there.

The CHAIRMAN. Until your claim was decided against you?

Mr. CLEARY. It was not decided.

The CHAIRMAN. Did they put you off before your claim was decided?

Mr. CLEARY. Yes, sir.

The CHAIRMAN. Did Mr. Thackery put you off?

Mr. CLEARY. He had it done. He was not there himself. It was the officer. They had two other fellows with them and they came there and put everything I had on the section line—the ponies and all.

The CHAIRMAN. They put your family out, did they?

Mr. CLEARY. Yes, sir.

Mr. BENTLEY. I had forgotten this matter. Which allotment was this?

Mr. CLEARY. I have forgotten the number of it. I will tell you the Indian woman's name as near as I can speak it. It was the Kee-che-che allotment.

Mr. BENTLEY. You were contesting it on the ground that she died before she allotted?

Mr. CLEARY. Yes, sir; I did not know anything about it. I was just acting on what somebody told me.

Mr. BENTLEY. You understood later that it had been investigated and found out that she had not died before she was allotted?

Mr. CLEARY. All I know about that was what the General wrote me. The witness was thereupon excused.

LEONARD A. HAMPTON, having been first duly sworn, testified as follows:

Senator CURTIS. Where do you live?

Mr. HAMPTON. I live 5 miles north and 6 miles west.

Senator CURTIS. How long have you lived in this neighborhood?

Mr. HAMPTON. I have been in that vicinity there for the last fifteen years.

Senator CURTIS. Do you know the band of Indians known as the Kicking Kickapoos?

Mr. HAMPTON. Yes, sir.

Senator CURTIS. Did you ever live in the neighborhood where they had their lands in this county?

Mr. HAMPTON. Yes, sir; I lived on their land.

Senator CURTIS. How long did you live on their land?

Mr. HAMPTON. I think it was ten years this coming spring since I moved there.

Senator CURTIS. Do you own any of the land or are you simply a renter?

Mr. HAMPTON. I own some at present.

Senator CURTIS. Do you know Mr. Bentley?

Mr. HAMPTON. Yes, sir.

Senator CURTIS. Were you acquainted with him while he was acting as agent for these Indians?

Mr. HAMPTON. Yes, sir.

Senator CURTIS. State if you first went on the Kickapoo land while he was agent and rented from him.

Mr. HAMPTON. I did.

Senator CURTIS. Do you know anything about their having gone to Mexico or how they happened to go?

Mr. HAMPTON. I knew of their going; yes, sir.

Senator CURTIS. Do you know anything about how they happened to go; whether they had been down there years before, many of them, and went of their own accord, or whether they were induced to go?

Mr. HAMPTON. I only know what Mr. Bentley told me about that.

Senator CURTIS. State to the committee how you were treated by

Mr. Bentley while you were leasing property on the Kickapoo Reservation—whether you were treated fairly or not.

Mr. HAMPTON. I did not have any reason to complain about not being treated fairly; no, sir.

Senator CURTIS. You have no personal knowledge from talking with the Indians as to why they went to Mexico?

Mr. HAMPTON. No, sir; not from the Indians.

Senator CURTIS. You have never been to Mexico and know nothing of their selling lands after they went there?

Mr. HAMPTON. No, sir; I know nothing about their selling their lands.

Mr. EMBRY. Were you during the time Mr. Bentley was Indian agent ever a contestant on an Indian allotment?

Mr. HAMPTON. I was.

Mr. EMBRY. Did you have any contract or agreement with Mr. Bentley relative to that matter?

Mr. HAMPTON. The contract was dictated by Mr. Bentley in W. W. Ives's name.

Mr. EMBRY. What was that contract?

Mr. HAMPTON. It was to give me a straight filing of 80 acres of land for \$500, no money paid until I received the filing, and the money subject to W. W. Ives's check was on deposit in the bank.

Mr. EMBRY. That was while Mr. Bentley was agent for the Kickapoos, was it?

Mr. HAMPTON. Yes, sir.

Mr. EMBRY. And that was a Kickapoo allotment?

Mr. HAMPTON. Yes, sir.

Mr. EMBRY. Please begin and tell the committee the whole transaction.

Mr. HAMPTON. In July, the 1st or 2d day of July, 1901, I came down here to pay my lease money, and Mr. Bentley was then agent. He asked me when I paid my lease money what I would give for a filing of 80 acres of land lying east of my lease; That was the S.  $\frac{1}{4}$  SE.  $\frac{1}{4}$  sec. 19, T. 11, R. 3. I said, "I will give \$500 for a straight filing on that." He said, "If you will come down about the 5th or 6th I think there will be a man here who will give you that." I came down on that day to Mr. Bentley, and I walked over the streets somewhat, and we inquired for Perry Rodkey. Not finding Mr. Rodkey, in front of—I do not know the name of the bank, but Mr. Benson was president and Mr. Reed was cashier. He said there was no use going any farther, we had just as well go in here. We went in there and he dictated the contract in W. W. Ives's name. Mr. Benson took down the contract and I put up my money. That is all I know of the contest. I said, "I do not know anything about what to do; I have no proof." He said that would make no difference. He said, "There will be an investigation held." I never heard anything of the investigation, but he told me afterwards that it had been investigated. He had recommended the cancellation, and Mr. Thackery came in the office again. I was notified then that it had been taken up for investigation.

Mr. EMBRY. Who notified you?

Mr. HAMPTON. I was notified from Mr. Thackery's office that it had been taken up for reinvestigation and it would be reinvestigated at a certain time, and I asked Mr. Bentley what he would do, and he said



the facts in the case were plain and it would be canceled. Afterwards there were two pieces of land that seemed to have been allotted to one Indian, Ah-ne-sho-peah. The investigation at that time developed fraud. I was informed that the other piece of land was recommended for cancellation, the place I was not contesting on, and it was canceled and reallocated, I understood from J. H. Everest. Mr. Everest notified me, Mr. Bentley did not, that it had been canceled, and I would have to get off the other piece that I was on.

Mr. EMBRY. Where was that contract left, if you know?

Mr. HAMPTON. It was left in the bank that I was speaking of, in the hands of Mr. Benson. Mr. Benson was left holding the contract.

Mr. EMBRY. Did you pay the \$500 which you put up, or what happened to that?

Mr. HAMPTON. That laid there until after the matter had gone through long after the other piece had been canceled and reallocated to Pequa, and I had seen Mr. Bentley and he said he thought it would be reopened; we could get the piece of land; that it was absolutely a fraud; and a year and a half afterwards we went in the bank and told Mr. Benson that the contract would have to be called off; that it had gone against me, and I got my money out.

Mr. EMBRY. How did you get your money out? Did you have a certificate of deposit from the bank here?

Mr. HAMPTON. Yes, sir; I did.

Mr. EMBRY. Please examine this paper that I hand you. Is that your certificate?

Mr. HAMPTON. Yes, sir; that is my certificate.

The CHAIRMAN. That was given him when he deposited the money?

Mr. EMBRY. Yes, sir; when he deposited the money. Now, when you were notified the contract was off and took down your money, you returned this certificate to the bank, did you?

Mr. HAMPTON. Yes, sir; I returned it.

Mr. EMBRY. How did you return it?

Mr. HAMPTON. I returned it by receiving a deposit slip for \$500.

Mr. EMBRY. Whose signature is that on the back of that certified check when you returned it to the bank?

Mr. HAMPTON. That is mine and Mr. Bentley's.

Mr. EMBRY. Did you know where that contract was that was attached to this \$500 payable as per order or contract attached?

Mr. HAMPTON. No, sir; I did not. It never was returned to me. I did not get that contract. I was talking to my wife the other day. She asked me about that contract, and I never got it. I simply got the deposit slip.

The CHAIRMAN. You looked for it, did you?

Mr. HAMPTON. I looked for it among my papers; yes, sir.

Mr. EMBRY. The allotment that you were seeking to get--was it found to be the genuine or the double allotment to the Indians?

Mr. HAMPTON. Yes, sir; I understood in the last investigation it was found to be the genuine one.

Mr. EMBRY. And it was allotted to whom?

Mr. HAMPTON. It was allotted to Ah-ne-sho-peah.

Mr. EMBRY. Where did the other allotment go that was involved in this double allotment?

Mr. HAMPTON. It was canceled.

Mr. EMBRY. And you do not know to whom it was allotted?

Mr. HAMPTON. Yes; to Pequa. I am not positive.

The CHAIRMAN. Both were allotted to Pequa after that?

Mr. HAMPTON. No, sir; one was held as the original allotment.

Mr. EMBRY. What other conversation did you have with Mr. Bentley about these matters?

Mr. HAMPTON. I had no conversation with him in regard to this allotment business, only what I have told you here in regard to that.

Mr. EMBRY. Did you furnish any of the proof or make any effort to secure proof to secure the cancellation of this allotment?

Mr. HAMPTON. I do not know, sir.

Mr. EMBRY. I find here in the record what purports to be a letter, dated Shawnee, Okla., 3-3-1902, to Leonard A. Hampton, Dale, Okla., with the apparent signature of M. J. Bentley. Do you recognize that?

Mr. HAMPTON. Yes, sir.

Mr. EMBRY. This was after Mr. Bentley went out of office. Did you receive that in due course of mail, or how?

Mr. HAMPTON. Yes, sir; I received it just through the mails.

Mr. BENTLEY. The allotment that you sought to contest was the one lying immediately east and adjoining the one on which you had located, you mean?

Mr. HAMPTON. The one lying directly east of the lease that I have.

Mr. BENTLEY. When you took the land lying to the west of that on which you built your home as a homestead, what was the condition of this land at that time?

Mr. HAMPTON. It was raw prairie land, with groves on it, and dogwood.

Mr. BENTLEY. Now, this land you sought to contest would have been adjoining or very near to your improvements, would it not?

Mr. HAMPTON. It would be adjoining the 80 acres on the east, on which my improvements were.

Mr. BENTLEY. Was it your understanding then, and is it not your understanding now, that the facts were controverted and that the allotment lying immediately east of you should by right have been canceled?

Mr. HAMPTON. I do not know the names of the Indians well enough to know whether that was the fact or not. I know it was reported to be the same Indians, but what was the original name of that Indian I do not know.

Mr. BENTLEY. Is it not your recollection that I told you that that land was going to be canceled; that I did not want their money; that you had gone ahead and improved these lands and had been a satisfactory lessor there, and if any favor went to anybody it ought to go to you?

Mr. HAMPTON. You told me it was only a question of when it would be canceled and I might as well have it as anybody else.

Mr. BENTLEY. Did I not also tell you it was the only way I saw to save anything for the Indians out of it?

Mr. HAMPTON. No, sir; you did not tell me that.

Mr. BENTLEY. Now, you talked with the Indians a good deal about this land, did you not?

Mr. HAMPTON. No, sir; I never did. You told me I was to have nothing to do with it.

Mr. BENTLEY. I mean that after that you talked with them as to who Ah-ne-sho-pe and Nah-ne-she-pe were?

Mr. HAMPTON. No, sir; I am not conversant enough with the Indian language to understand them, and I never talked with them about it. I asked them if it was the same Indian, and they said yes.

Mr. BENTLEY. You do recollect distinctly that I told you that somebody was going to get that land?

Mr. HAMPTON. Yes, sir; you told me that.

Mr. BENTLEY. And was it not your understanding that when an Indian had been given two allotments that the one where it was not his correct name would be canceled and given to somebody else? Was not that the real way you understood?

Mr. HAMPTON. I never knew they changed them just that way. There was one of the other allotments canceled and as I understood it, that was subject to the Indian agent's decision as to which was the best piece of land, or the Indian's selection. That was my understanding then and is now.

Mr. BENTLEY. Is this not your understanding, that if an Indian was allotted here in the Caddo country under one name and in the Kickapoo country under another then he might elect which he would take?

Mr. HAMPTON. I only recall one case, and that was in the case of Charlie View. There was a place allotted to Charlie View in one place and Charlie Tharp in another, and it was decided that she could select which she wanted. That is all I have any personal knowledge of.

Mr. BENTLEY. That was her correct name, the one she selected, was it not?

Mr. HAMPTON. I believe she had married Hiram Tharp; yes, sir; but I do not know anything, except that she was allowed her choice.

Mr. EMBRY. As to these two allotments, one of which was to be cancelled, which one did Mr. Bentley say he would secure the cancellation of, the better one or the poorer one?

Mr. HAMPTON. I considered it the better one; yes, sir.

Mr. EMBRY. When you paid up \$500, according to Mr. Bentley's contract running to Ives, Mr. Bentley said he would secure the cancellation of the better of those two allotments?

Mr. HAMPTON. He would secure the cancellation of that allotment there. He said, "You do not want the other one?"

Mr. EMBRY. The better one was the one that you wanted to secure the cancellation of, was it not?

Mr. HAMPTON. Yes, sir.

The CHAIRMAN. That was the one that adjoins you?

Mr. HAMPTON. Yes, sir; it adjoins my land.

The CHAIRMAN. Do you own it now?

Mr. HAMPTON. Yes, sir.

The CHAIRMAN. How did you get it?

Mr. HAMPTON. I bought it; it was inherited land. It was the land of Much-enene's daughter that you had on the witness stand here.

The CHAIRMAN. You bought it through the Department, did you?

Mr. HAMPTON. Yes, sir; or rather it was bought by Mr. Maxey and I afterwards bought it from him.

The CHAIRMAN. It was put up to be sold, was it?

Mr. HAMPTON. Yes, sir; it was put up at public sale and Mr. Maxey bought it as the highest bidder, and I bought it from him later on.

Mr. BENTLEY. Do you not understand, though, that there never was any such person whose name began as this name begins; that there was such a person allotted land that was later allotted a piece of land, but there never was such a person as this? You told me that the Indian later told you it was the same. That was the only question ever asked me about it, if there was, and they always said there was such a person.

The CHAIRMAN. There was one, of course.

Mr. HAMPTON. Yes; but which one was right or which was wrong I did not know then and do not know now.

The witness was thereupon excused.

C. J. BENSON, having been first duly sworn, testified as follows:

Senator CURTIS. What is your name?

Mr. BENSON. C. J. Benson.

Senator CURTIS. Where do you live?

Mr. BENSON. In Shawnee, Okla.

Senator CURTIS. What is your business?

Mr. BENSON. Banker, in Shawnee.

Senator CURTIS. How long have you been a banker in Shawnee?

Mr. BENSON. About ten years.

Senator CURTIS. Were you in the banking business here during the spring and summer of 1906?

Mr. BENSON. I was.

The CHAIRMAN. Is that a national bank?

Mr. BENSON. Yes, sir.

Senator CURTIS. Do you know L. C. Grimes?

Mr. BENSON. I do.

Senator CURTIS. Do you know A. T. Brown?

Mr. BENSON. Yes, sir.

Senator CURTIS. Do you know Cal Moore?

Mr. BENSON. I do.

Senator CURTIS. Do you know George Kish-ke-ton?

Mr. BENSON. Only by sight.

Senator CURTIS. Do you know R. C. Conine?

Mr. BENSON. I do.

Senator CURTIS. Do you know Tony Alexander?

Mr. BENSON. Yes, sir.

Senator CURTIS. I will ask you to state if you are acquainted with or know of a band of Kickapoo Indians known as the Kicking Kickapoos?

Mr. BENSON. I know them.

Senator CURTIS. State to the committee if at any time in 1906 you entered into an agreement with L. C. Grimes and W. L. Chapman and A. T. Brown.

Mr. BENSON. I did.

Senator CURTIS. To buy lands?

Mr. BENSON. Yes, sir.

Senator CURTIS. When was that agreement entered into?

Mr. BENSON. I think in May or June, 1906.

Senator CURTIS. Have you that agreement with you?

Mr. BENSON. No, sir.

Senator CURTIS. Where is it?

Mr. BENSON. It is on file either at Tecumseh or Oklahoma City, I do not know which.

Senator CURTIS. Have you a copy of it with you?

Mr. BENSON. No, not with me. I can get you a copy.

Senator CURTIS. Will you please produce a copy for the use of this committee?

Mr. BENSON. I will.

Senator CURTIS. When was that agreement entered into?

Mr. BENSON. In May or June, 1906.

Senator CURTIS. When was it filed?

Mr. BENSON. I could not say.

Senator CURTIS. About when?

Mr. BENSON. I think in July or August.

Senator CURTIS. Was it not filed in August?

Mr. BENSON. I think so.

Senator CURTIS. Was it not filed about the 10th day of August?

Mr. BENSON. I could not say exactly.

Senator CURTIS. Was that an oral agreement entered into between you people in May or did you reduce it to writing later on?

Mr. BENSON. It was an oral agreement and reduced to writing later on.

Senator CURTIS. Then you say that the written agreement that was signed by you people and which you claim is of record, was signed by you people in August, 1906—the 10th of August, I believe?

Mr. BENSON. No, sir; I refer to the preliminary agreement I had with W. L. Chapman.

Senator CURTIS. What was that agreement?

Mr. BENSON. It was that he was to go down there and buy land, and I was to furnish the money.

Senator CURTIS. How much money?

Mr. BENSON. There was no definite amount stated.

Senator CURTIS. Who was to be in your employ?

Mr. BENSON. It was not stated.

Senator CURTIS. Was he to have full authority?

Mr. BENSON. He was.

Senator CURTIS. At what time was that agreement made?

Mr. BENSON. That was made in May, 1906.

Senator CURTIS. How did you happen to make it in May, 1906, when there was no law authorizing the making of deeds?

Mr. BENSON. We were informed that a law would be passed.

Senator CURTIS. Who informed you as to that?

Mr. BENSON. I can not say now. I got it from general information around the neighborhood that the law had passed the House at that time and was pending in the Senate.

Senator CURTIS. That bill had not passed the House at that time; that item was not put in the bill in the House.

Mr. BENSON. I do not know how we got the information, but we got it. We were pretty generally informed here in the State that the bill would pass.

Senator CURTIS. But you do not know who informed you of that?

Mr. BENSON. No, sir.

Senator CURTIS. How many thousand dollars did you put in that transaction?

Mr. BENSON. \$30,219.

Senator CURTIS. Have you any deeds in your name?

Mr. BENSON. The deeds were all made to me afterwards.

Senator CURTIS. Have you any of the original deeds?

Mr. BENSON. They were not made to me.

Senator CURTIS. None of the original deeds were made to you?

Mr. BENSON. No, sir; none of them.

Senator CURTIS. Whom did Chapman take down from here with him that you know of to work with you and with him?

Mr. BENSON. L. C. Grimes and A. T. Brown.

Senator CURTIS. Anybody else?

Mr. BENSON. Not that I know of.

Senator CURTIS. Whom did they take as interpreter?

Mr. BENSON. Mack Johnson was their interpreter.

Senator CURTIS. Was he down there or was he here?

Mr. BENSON. I do not know.

Senator CURTIS. Did you go to Mexico yourself?

Mr. BENSON. I never did.

Senator CURTIS. You never went to Mexico?

Mr. BENSON. No, sir.

Senator CURTIS. You remember suit being filed against you and Chapman and Brown by Mr. L. C. Grimes, do you not?

Mr. BENSON. I do.

Senator CURTIS. Did that suit correctly set out the agreement between you fully?

Mr. BENSON. I do not believe I ever saw the petition.

Senator CURTIS. That suit was afterwards compromised, was it not?

Mr. BENSON. Yes, sir.

Senator CURTIS. You did not go to Mexico in person, did you?

Mr. BENSON. No, sir.

Senator CURTIS. To whom did you send this money?

Mr. BENSON. To the First National Bank at Eagle Pass, Tex.

Senator CURTIS. Did you send it in Chapman's name?

Mr. BENSON. Well, some of it was sent there and deposited in his name and some of it he drew on me for.

Senator CURTIS. Have you any letters or dispatches received from him?

Mr. BENSON. I have some drafts that he drew on me.

Senator CURTIS. You have no letters or dispatches, have you?

Mr. BENSON. Yes, sir; I have some telegrams.

Senator CURTIS. Have you them with you?

Mr. BENSON. Yes, sir.

Senator CURTIS. Will you please produce them.

(The witness here produced certain telegrams.)

Senator CURTIS. Those are all that you received, are they?

Mr. BENSON. Yes, sir.

Senator CURTIS. Have you read the law under which these deeds were taken?

Mr. BENSON. Yes, sir; I have.

Senator CURTIS. You know that law provides that deeds shall only be made by adults, do you not?

Mr. BENSON. There is nothing stated in the law about that that I know of, as a matter of law.

Senator CURTIS. Does not the law say that adult Kickapoos only shall sell?

Mr. BENSON. I think so.

Senator CURTIS. Now, you gentlemen have deeds from minors, have you not?

Mr. BENSON. Not that I know of.

Senator CURTIS. That was not reported to you?

Mr. BENSON. No, sir.

Senator CURTIS. You took a deed from a dead woman, did you not?

Mr. BENSON. I do not know.

Senator CURTIS. Have you not since deeded it back?

Mr. BENSON. I know of one case that was called to my attention.

Senator CURTIS. Where the woman had been dead seven years?

Mr. BENSON. Where the woman had been dead; yes, sir.

Senator CURTIS. But you have her name signed to a deed?

Mr. BENSON. Yes, sir; but I deeded it back.

Senator CURTIS. You have her name signed to a deed at the very time that the other deeds were made, have you not?

Mr. BENSON. Yes, sir; I think so.

Senator CURTIS. The certificate is that she signed that deed?

Mr. BENSON. Yes, sir.

Senator CURTIS. Witnessed by the interpreter and certified to?

Mr. BENSON. That is easily explained.

Senator CURTIS. It is only easy to explain by the fact that it was forged.

Mr. BENSON. It was not forged that I know of.

Senator CURTIS. It was forged.

Mr. BENSON. I do not know whether it was or not.

Senator CURTIS. You have deeds from minors, have you not?

Mr. BENSON. Not that I know of.

Senator CURTIS. Did you consult any lawyer as to the law when minors should marry?

Mr. BENSON. Do you mean before the deeds were taken?

Senator CURTIS. Yes; or afterwards.

Mr. BENSON. I consulted——

Senator CURTIS. You brought suits afterwards to set aside guardianships, did you not?

Mr. BENSON. No, sir.

Senator CURTIS. You have made motions to have guardians discharged, have you not?

Mr. BENSON. No, sir.

Senator CURTIS. Some of your people have, have they not?

Mr. BENSON. No, sir.

Senator CURTIS. You brought suits to set them aside?

Mr. BENSON. No, sir.

Senator CURTIS. Did you get a deed from Paw-kaw-kah, lessee No. 205, for the lands you later sold to Mr. Gray?

Mr. BENSON. Yes, sir.

Senator CURTIS. Do you know that Indian?

Mr. BENSON. No, sir.

Senator CURTIS. Did you ever see him?

Mr. BENSON. I never did.

Senator CURTIS. You do not know then that he is an imbecile, do you?

Mr. BENSON. No, sir; I do not.

Senator CURTIS. Did Chapman report to you that he was an imbecile?

Mr. BENSON. No, sir; he did not.

Senator CURTIS. Did Chapman report to you that there was not an Indian on that reservation who could make that Indian Paw-kaw-kah understand?

Mr. BENSON. He did not.

Senator CURTIS. You would not consider a deed from a man like that valid, would you?

Mr. BENSON. If that was his condition I would not.

Senator CURTIS. That is his condition.

Mr. BENSON. I do not know that.

Senator CURTIS. Well, we do. You have since sold that land, have you not?

Mr. BENSON. Yes, sir.

Senator CURTIS. How much did you get for it?

Mr. BENSON. \$2,800.

Senator CURTIS. How much did you pay the Indian, or claim to have paid the Indian for it?

Mr. BENSON. \$1,000.

Senator CURTIS. Do not the deeds show \$600?

Mr. BENSON. I do not know. There were so many of those deeds that we could not keep track of them. The record will show.

The CHAIRMAN. I think the deed shows \$600.

Senator CURTIS. Whom did Chapman report to you he had employed to assist him in Mexico?

Mr. BENSON. He had several people there to assist him.

Senator CURTIS. Did he mention R. C. Conine?

Mr. BENSON. Yes, sir.

Senator CURTIS. How much was he paying Conine a month?

Mr. BENSON. I do not know.

Senator CURTIS. You know that he had him employed, do you not?

Mr. BENSON. Yes, sir.

Senator CURTIS. How long was he employed?

Mr. BENSON. I guess running about five or six months.

Senator CURTIS. Did he not report to you the amount of money paid out to men he had employed?

Mr. BENSON. I think he had a statement of it at the time when he closed the matter up.

Senator CURTIS. Have you that statement?

Mr. BENSON. I have not.

Senator CURTIS. Do you not remember that he paid Doctor Conine \$125 a month?

Mr. BENSON. I think it was more than that.

The CHAIRMAN. I think he said \$150.

Mr. BENSON. And his expenses also.

Senator CURTIS. And you think he was working for your people five or six months?

Mr. BENSON. I think so.



Senator CURTIS. Were you interested in the Garrett transaction at all?

Mr. BENSON. No, sir.

Senator CURTIS. You afterwards authorized Chapman to wire Conine that you would put \$5,000 more into this transaction down there, did you not?

Mr. BENSON. No, sir.

Senator CURTIS. You do not know whether any such wire was sent or not?

Mr. BENSON. Not by me.

Senator CURTIS. Did you authorize it to be sent?

Mr. BENSON. No, sir.

Senator CURTIS. Did you tell Chapman that you would take \$5,000 more?

Mr. BENSON. No, sir; I did not.

Senator CURTIS. Then if he sent any such message to Conine he did it without your authority?

Mr. BENSON. He did it without my authority. It must have been done for somebody else.

Senator CURTIS. It was done in your name?

Mr. BENSON. I did not authorize it.

Senator CURTIS. Did anybody authorize you to put \$5,000 more in that property?

Mr. BENSON. No, sir; I do not remember.

Senator CURTIS. Did you transact any business for anybody else?

Mr. BENSON. No, sir.

Senator CURTIS. You know Tony Alexander?

Mr. BENSON. Yes, sir.

Senator CURTIS. Did you have him employed?

Mr. BENSON. I did.

Senator CURTIS. When did he enter your employment?

Mr. BENSON. It must have been somewhere in October or November.

Senator CURTIS. How long did he work for you and how much did you pay him a month?

Mr. BENSON. He worked for me about a month and a half. I paid him \$150 a month and his expenses.

Senator CURTIS. What were his duties?

Mr. BENSON. He was to go down there and protect our interests.

Senator CURTIS. How protect your interests?

Mr. BENSON. It was reported to me that there were certain parties who were trying to get the Indians to make affidavits and make us trouble all around, and I wanted somebody down there to find out what was going on.

Senator CURTIS. Was he not authorized also to get the Indians to draw the money out of the bank?

Mr. BENSON. I told him the Indians had the money in the bank there, to their credit, and I wanted him to see that they got it and nobody else.

Senator CURTIS. You told him that?

Mr. BENSON. Yes, sir.

Senator CURTIS. You do not know that he took the Indians in there and represented them to be the Indians who had money on

deposit, and drew it out in their names, when as a matter of fact he did not take the real Indians there.

Mr. Benson. I do not.

Senator CURTIS. But you told him you wanted the Indians to take the money out of the bank which was there, and you wanted him to go and get them to take it out?

Mr. BENSON. Will you allow me to make an explanation?

Senator CURTIS. Certainly.

Mr. BENSON. Alexander was authorized under his contract with me that I was to employ him for three months or less, as in my discretion I desired.

Senator CURTIS. When was that contract made?

Mr. BENSON. I think it was made in May of this year, and John Garrett came back and reported to me that Mr. Alexander was doing no good down there; that he was making enemies if anything, and I immediately sat down and wired him that his services would be dispensed with, and let him come home.

Senator CURTIS. That is, you wired him his services would be dispensed with on the 15th of May?

Mr. BENSON. Yes, sir; I think that was the telegram.

Senator CURTIS. How did you know from the reports that came up that these Indians were not drawing the money out of the bank?

Mr. BENSON. It was reported to me that they were drawing it, some of them were.

Senator CURTIS. Who reported that to you?

Mr. BENSON. I can not say; there has been so much about this affair I can not remember.

Senator CURTIS. Do you not know that those Indians, the Indians themselves, never drew on the \$19,000 paid in that bank for deeds for them on checks of Chapman; not one dollar?

Mr. BENSON. I do not know that. I saw a copy of the deed to land there in Mexico that was bought with part of this money.

Senator CURTIS. There was not a dollar turned over, was there, in money at the time you got the deeds?

Mr. BENSON. I do not know.

Senator CURTIS. Why, do not these dispatches say so? You say you do not know. I call your attention to these telegrams:

EAGLE PASS, July 24 (no year).

C. J. BENSON, Shawnee, Okla.:

My record Oklahoma nine and ten and twelve and fifteen and twenty-one and twenty-three, Pottawatomie two thirty-seven and two thirty-eight and two thirty-nine and two forty-two and one forty-one and one forty-two and one forty-seven and one seventy-one and one seventy-two and two hundred five and two sixty and two forty. We believe we can get about twenty more pieces, and do not pay for same until we know about the record. Shall we stay and get same?

W. L. CHAPMAN.

(4 p. m.)

EAGLE PASS, TEX., July 25.

C. J. BENSON, Shawnee, Okla.:

Have bought twenty pieces of the best land and used \$17,000. Others can be bought cheaper. No money paid out until we are sure of record. Wire me as soon as you get deeds on record and then the money will be paid out. Wire answer at once, as delay might prove dangerous. This is all we wired you about but four.

Now, do they not say there that that money would not be paid out until you examined the records?

Mr. BENSON. It was not paid out until we examined the record.

Senator CURTIS. Did you send any wire to these people that you had examined the records?

Mr. BENSON. I did.

Senator CURTIS. Have you copies of those dispatches?

Mr. BENSON. No, sir.

Senator CURTIS. Whom did you wire?

Mr. BENSON. Mr. W. L. Chapman.

Senator CURTIS. When did Chapman, Grimes, and Brown and you dissolve your partnership?

Mr. BENSON. It is not dissolved yet.

Senator CURTIS. It is still going on, is it?

Mr. BENSON. Yes, sir.

Senator CURTIS. You know that in the deeds for which you took land the consideration mentioned in the deeds and the amount reported to you as paid to the Indians, whether it was paid you do not know, was very much less than the value of the land?

Mr. BENSON. It was less, yes, sir.

Senator CURTIS. Very much less, was it not?

Mr. BENSON. In some cases it was less a great deal, and in other cases about what the land was worth.

Senator CURTIS. Is there a single case where you did get a deed deed where the consideration was anything near the value of the land?

Mr. BENSON. Yes; several cases.

Senator CURTIS. Can you name any of them?

Mr. BENSON. One case, in sec. 18, Tp. 11, R. 2.

Senator CURTIS. Where was that deed taken, in Mexico or Texas?

Mr. BENSON. It was taken in Mexico. It was a low piece of land, and is not worth any more than we paid for it. I would be glad to get my money back.

Senator CURTIS. How much did you pay for it?

Mr. BENSON. Seven hundred dollars.

Senator CURTIS. That was that case of the dead woman, was it not?

Mr. BENSON. It was her husband's, Ah che che's wife. There were also three 80's of land up in Lincoln County, where I consider the consideration paid was almost the value of the land.

Senator CURTIS. But was not the value in most cases something like it was in the case of the imbecile Indian, where it shows \$600 and the land sold for \$2,800?

Mr. BENSON. I admit that in a great many cases the consideration paid was less than the value of the land.

Senator CURTIS. Do you think that was fair to the Indians?

Mr. BENSON. I do not know anything about that. We went down there to buy the land and make a speculation and to make as much money on it as we could.

Senator CURTIS. You did not care about how many Indians you were robbing, did you?

Mr. BENSON. We did not consider that we were robbing the Indians.

Senator CURTIS. Do you not know that you and your partners got the Indians drunk down there?

Mr. BENSON. No, sir; I know that I did not. I do not believe they did.

Senator CURTIS. Do you know that they had the interpreters commit perjury down there?

Mr. BENSON. I do not believe that either.

Senator CURTIS. If we would show you the records where the interpreter swore in the case of each Indian, and had shown that it was true, would you believe that?

Mr. BENSON. If you can show that the record shows that it is true, I will have to believe it.

Senator CURTIS. If the record shows conclusively that your agents got the Indians drunk and fastened them up in the wagon yard for a week, what would you say about that?

Mr. BENSON. I would not believe that; I would believe that the testimony was perjured.

Senator CURTIS. What if this witness swore that they were drunk all the time—your own agent, Conine?

Mr. BENSON. Did he swear to that?

Senator CURTIS. He did.

Mr. BENSON. That is a strange thing to me. He did not swear that way to me. He has represented to me right straight along that those deeds were taken fairly and squarely. I have asked him repeatedly about that. I told my agent, Chapman, when he went down there that I desired these dealings to be fair and square; that if we agreed to pay the Indians anything, to pay it to him, and I want the record to show that he was paid.

Senator CURTIS. You have no personal knowledge as to what was done, have you?

Mr. BENSON. I have not.

Senator CURTIS. You have none of the original deeds in your possession, have you?

Mr. BENSON. The deeds are in my attorney's possession.

Senator CURTIS. The original deeds?

Mr. BENSON. Yes, sir.

Senator CURTIS. The deeds that were brought back by Chapman?

Mr. BENSON. Yes, sir.

Senator CURTIS. Can you turn those over to the committee for investigation?

Mr. BENSON. I can, if they will be turned back to me.

Senator CURTIS. They will be turned back to you. All we want to do is to look them over. Did you discharge Alexander on the 15th day of May?

Mr. BENSON. Yes, sir; I did.

Senator CURTIS. He has not been in your employ since that time, has he?

Mr. BENSON. He has not.

Senator CURTIS. Did you hire any interpreters to go down there with those men besides Johnson?

Mr. BENSON. I did not.

Senator CURTIS. Do you remember the taking of the depositions afterwards?

Mr. BENSON. I do.

Senator CURTIS. Who represented you in that?

Mr. BENSON. Joe M. Adams, attorney at law.

Senator CURTIS. He was the attorney, was he?

Mr. BENSON. Yes, sir.

Senator CURTIS. Who represented you on the ground there? Did not Conine represent you?

Mr. BENSON. Conine was there. I do not know whether he was representing us or not.

Senator CURTIS. Do you not know that Chapman and Brown wired them to help you?

Mr. BENSON. I do not; no, sir.

Senator CURTIS. How much money had to be sent down there before you could get those depositions taken?

Mr. BENSON. I do not know.

Senator CURTIS. You had to send \$500 in gold at one time, did you not?

Mr. BENSON. I did not; no, sir.

Senator CURTIS. They did, did they not?

Mr. BENSON. I do not know. I paid the expenses of taking the depositions.

Senator CURTIS. How much was that?

Mr. BENSON. It cost me about \$600.

Senator CURTIS. Did you arrange to have \$500 sent there through any bank here in town?

Mr. BENSON. No, sir; I did not.

Senator CURTIS. Did you authorize them to do it?

Mr. BENSON. No, sir; there was nothing said to me about it.

Senator CURTIS. They simply presented the bill and you paid it?

Mr. BENSON. Yes, sir.

Senator CURTIS. When did you stop buying land down there?

Mr. BENSON. The last deed was taken for a piece of land in Lincoln County, for which I paid \$1,100.

Senator CURTIS. When was that?

Mr. BENSON. It must have been two or three weeks after those deeds were taken in Mexico. It was taken in Eagle Pass.

Senator CURTIS. Who represented you in that transaction?

Mr. BENSON. L. C. Grimes.

Senator CURTIS. He generally represented you down there, did he not?

Mr. BENSON. He did.

Senator CURTIS. I want to have printed in the record these two dispatches:

MUSQUIZ, May 8, 1907.

W. L. CHAPMAN and BROWN,  
Shawnee, Okla., via Diaz:

Absolutely necessary have First National Eagle Pass honor my check \$500 to secure depositions. Have bank notify Monclova bank. Will do our best. Answer here quick.

R. C. CONINE.

SHAWNEE, OKLA., May 11, 1907.

TONY ALEXANDER, Musquiz, Mex.:

Your services not required after May 15. Must stop expenses.

C. J. BENSON.

Senator CURTIS. Have you any letter from Chapman?

Mr. BENSON. No, sir; just a letter from the banker and the drafts.

Senator CURTIS. Have you the drafts with you?

Mr. BENSON. Yes, sir.

Senator CURTIS. To whom were they made payable?

Mr. BENSON. The First National Bank of Eagle Pass.

Senator CURTIS. You have no drafts made payable to other men down there in Mexico, have you?

Mr. BENSON. Here is one payable to A. T. Brown for \$300. The rest are all payable to the First National Bank at Eagle Pass.

Senator CURTIS. Did you not receive wires along about the 20th of July, 1906, to send additional money down there?

Mr. BENSON. They drew on me drafts with the deeds attached.

Senator CURTIS. You did not send any money, except when the deed was sent up; except what you paid on the depositions?

Mr. BENSON. I sent \$5,000 down to the First National Bank of Eagle Pass to start with.

Senator CURTIS. Then this \$17,000 which you paid for land, as mentioned in this dispatch, you say that was all you bought in connection with this partnership. Is that right?

Mr. BENSON. Yes, sir; I paid out \$30,200.

Senator CURTIS. That included expenses and all?

Mr. BENSON. It was all for deeds.

Senator CURTIS. That was an expense in getting deeds, was it?

Mr. BENSON. No, sir.

Senator CURTIS. What was your outside expense?

Mr. BENSON. The consideration named in the deeds amounts to about \$27,000. The rest is expense.

Senator CURTIS. What was outside? The other \$4,000 you think was expense?

Mr. BENSON. The other three or four thousand dollars was expense; yes, sir.

Senator CURTIS. Did you look over the values of lands gotten by the other members of your party?

Mr. BENSON. The deeds that they got; no, sir.

Senator CURTIS. What did you figure the total value of all the lands you got from these Indians to be, \$27,000?

Mr. BENSON. Well, I do not know.

Senator CURTIS. They are worth at least \$150,000, are they not?

Mr. BENSON. No, sir; I will be very glad to take half of that for them.

Senator CURTIS. Do you not know the lands gotten from these Indians by yourself, Brown, Chapman, and Garrett, all put together, for which you claim you paid the Indians altogether about \$80,000, were worth \$300,000?

Mr. BENSON. No, sir; I do not know that.

Senator CURTIS. But you know the values of lands in this community, do you not?

Mr. BENSON. I would be very glad to take one-half of \$150,000 for what I have, if you want to buy it.

Senator CURTIS. Are you willing to pay these Indians what that land is worth?

Mr. BENSON. We have already paid them.

Senator CURTIS. All it is worth, have you?

Mr. BENSON. We have sold the lands; but I tell you what I will do. If they will pay me back my money and expenses that I was put to, I will be very glad to take the money.

Senator CURTIS. And release all of it? How many thousand dollars is that?

Mr. BENSON. About \$32,000.

Senator CURTIS. Would you return all the lands to all the Indians—the land in your name, Chapman's and Grimes's?

Mr. BENSON. No, sir; I did not have anything to do with the land in their names.

Senator CURTIS. Have you not deeded some land to Grimes and Chapman?

Mr. BENSON. No, sir.

Senator CURTIS. They have an outside title, have they?

Mr. BENSON. Yes, sir.

Senator CURTIS. You were not in with their dealing.

Mr. BENSON. No, sir.

Senator CURTIS. You do not know to what extent they got land down there, do you?

Mr. BENSON. No, sir.

Senator CURTIS. And your interest only applies to these tracts in this written agreement which was not reduced to writing until you had some trouble?

Mr. BENSON. Senator, if I had known the trouble that I was going to get into in making this investment I would just as soon have handled a rattlesnake.

Senator CURTIS. You would not have made it if you had gone down there and looked into the situation, would you?

Mr. BENSON. I expect not.

Senator CURTIS. You would not have taken any of those deeds had you been there and seen what was done?

Mr. BENSON. No, sir; they have reported to me all along that those deeds were taken properly and that the Indian was paid the money, and that he got the money. I know I had the money.

Senator CURTIS. Do you not know, as a matter of fact, that a lot of that money is in the bank now and has never been touched?

Mr. BENSON. I know that some of it has.

Senator CURTIS. Not a dollar of that money has been taken out of that bank by any of those Indians—the \$19,000—except what was taken by forged checks?

Mr. BENSON. I do not believe that.

Senator CURTIS. We can show you the checks.

Mr. BENSON. I do not believe that; the bank would be responsible for that if they allowed a thing of that kind to be done.

Senator CURTIS. Do you not know that Conine signed every check that was there?

Mr. BENSON. I do not. I have never seen the checks.

Senator CURTIS. You would think if they signed a check for a man in Eagle Pass when he was in Oklahoma that it was a legal check, would you? You would say if they signed a man's name to a check and pretended that name was signed in Mexico or Eagle Pass on January 1, when as a matter of fact that man was in Oklahoma or this county on that day and had not been there for a month, that that was not a forgery?

Mr. BENSON. Well, I believe the testimony that has been introduced before this committee by the Indians—I believe there has been perjury committed in giving this testimony before the committee.

Senator CURTIS. What if the records show that the men left Texas to come here and the evidence of your people established that?

Mr. BENSON. I do not know anything about that.

Senator CURTIS. Will you stand for a transaction of that kind?

Mr. BENSON. No, sir; I will not.

Senator CURTIS. You did not settle this suit with L. C. Grimes?

Mr. BENSON. I made a contract with him in regard to the distribution of the profits.

Senator CURTIS. Have you that contract?

Mr. BENSON. No, sir.

Senator CURTIS. Is that the one that was filed?

Mr. BENSON. The one filed and deposited in the bank.

Senator CURTIS. Did you have another agreement besides the one that is recorded?

Mr. BENSON. I did not; that agreement was recorded.

Senator CURTIS. Have you one that has not been recorded?

Mr. BENSON. No, sir; there is one on deposit with the State National Bank here.

Senator CURTIS. Have you that?

Mr. BENSON. No, sir; it is with the bank in escrow.

Senator CURTIS. Has that ever been filed of record?

Mr. BENSON. No, sir.

Senator CURTIS. Will you get the agreement and bring it up here?

Mr. BENSON. I do not suppose they will give me that agreement. It was left there on deposit with a condition attached to it that it was not to be taken out unless the four parties were present.

The CHAIRMAN. Conine went down to the place to take these depositions in Mexico to represent you people, did he not?

Mr. BENSON. He was there.

The CHAIRMAN. You say he did not represent you? Did he not go down in your interest?

Mr. BENSON. I think he did go down. I think he was there at San Antonio and went from there to Eagle Pass.

Senator CURTIS. You folks paid him for going there, did you not?

Mr. BENSON. I think so; yes, sir.

Senator CURTIS. He has been acting in your interest all the time now since you commenced?

Mr. BENSON. I think he has been employed for five or six months all told.

Senator CURTIS. He was employed, then, at a salary of \$150 or \$125, whatever it might have been?

Mr. BENSON. I do not know exactly what it was.

Senator CURTIS. Has he not been employed in your interest since?

Mr. BENSON. No, sir.

Senator CURTIS. But still, when you wanted somebody down there you sent him down there to look after the depositions?

Mr. BENSON. Yes, sir.

Senator CURTIS. You say you deeded back this property of the dead woman?

Mr. BENSON. When my attention was called to the fact that this wife of Mas-she-she, who deeded this land, was dead, I went to Out-celt and told him I wanted to deed that land back.

Senator CURTIS. Did you do it?

Mr. BENSON. I deeded it back to the heirs of Pan-a-tho.



Senator CURTIS. Was that not sufficient evidence in your mind that your agent had been tampering with these people and committed forgery?

Mr. BENSON. They explained it to me in this way, that when the Indians went before the court and signed a deed he had represented that his wife had some land, and they took it from the rolls supposing that this first wife was living, and the name was signed that way.

Senator CURTIS. The interpreters swore that that was the identical person, did they not?

Mr. BENSON. The deposition of the judge of the court down there states that he called the names of these Indians out and they came forth.

Senator CURTIS. The dead Indian came forth?

Mr. BENSON. Came forward and signed the deed, and that this Indian came afterwards. I do not know how it was done. I was not there, and I do not know anything about it, but when my attention was called to it I told Thackery I wanted the land deeded back.

Senator CURTIS. Do you not think it will be a good idea to deed that land back to the imbecile?

Mr. BENSON. If it is proved that he is; yes, sir.

The CHAIRMAN. You have sold that, though, to Mr. Gray, have you not?

Mr. BENSON. My warranty is on the deed and I would have to make it good.

The CHAIRMAN. How much has Gray paid you on that?

Mr. BENSON. \$2,800.

The CHAIRMAN. Has he paid for it?

Mr. BENSON. I think there is a mortgage on it of \$1,100.

The CHAIRMAN. Did you not sell that to him for \$3,000 instead of \$2,800?

Mr. BENSON. \$2,800 was all I got, and there was a commission of \$300.

The CHAIRMAN. Mr. Gray paid \$3,000, did he not?

Mr. BENSON. I do not know.

The CHAIRMAN. And took a mortgage back?

Mr. BENSON. Yes, sir.

The CHAIRMAN. You have brought suits to quiet your title, have you not?

Mr. BENSON. Yes, sir.

The CHAIRMAN. Did you bring a suit in that case?

Mr. BENSON. No, sir.

The CHAIRMAN. You only brought suit where there were two deeds?

Mr. BENSON. Yes, sir.

The CHAIRMAN. After you got the deeds they deeded to somebody else?

Mr. BENSON. They deeded to somebody else, gave a second deed on it, yes, sir; to Mr. Bentley or his associates.

Mr. BENTLEY. I have no deed to that land.

Mr. BENSON. Not on that piece.

Senator CURTIS. Has a suit been brought to set that deed aside by the Government?

Mr. BENSON. Yes, sir.

The CHAIRMAN. That property is worth \$3,000, is it not?

Mr. BENSON. Yes, sir; I think so.

The CHAIRMAN. If the facts are as we are assuming they are, and you have sold the property for \$2,800, are you willing to turn over to the Government the \$2,800 and cancel that transaction? I mean as to that imbecile Indian. There is a chance for you to do justice.

Mr. BENSON. Do you mean less the amount I have already paid?

The CHAIRMAN. Yes; you paid \$600.

Mr. BENSON. Yes, sir. If you can clearly establish to me that that Indian is an imbecile and can not properly make a deed, I would be very willing to do that.

The CHAIRMAN. And turn over to the Government for the benefit of these Indians all you got out of it?

Mr. BENSON. Yes, sir.

The CHAIRMAN. You do not have to look at this man to know that he is an imbecile. Your agents must have known it when they took that deed.

Mr. EMBRY. I believe you said you had Tony Alexander down there representing you in some capacity?

Mr. BENSON. Yes, sir.

Mr. EMBRY. Was that contract in writing with Tony Alexander?

Mr. BENSON. Yes, sir.

Mr. EMBRY. Have you that contract?

Mr. BENSON. I have and submit it to the committee.

The contract is as follows:

APRIL 8, 1907.

This is to certify that I, C. J. Benson, have employed Toney Alexander to represent my interests in Mexico, and agree to pay him the sum of \$150 per month, beginning from the date above written, and said Alexander hereby acknowledges the payment to him of the sum of \$150, being the first month's salary, in advance.

Said Alexander agrees to faithfully look after our interests with the Mexican Kickapoo Indians now residing in Mexico, according to our mutual understanding.

Said services to continue for a period of three months or less, as in the discretion of C. J. Benson may be deemed necessary. No other expense to be incurred without my previous consent.

(Signed)

C. J. BENSON.

(Signed)

TONEY ALEXANDER.

I hereby certify that the above is a true and exact copy of the contract entered into between myself and Toney Alexander on April 8, 1907.

C. J. BENSON.

Mr. EMBRY. Did you have any agreement with Alexander or give Alexander any instructions outside of that writing as to what he was to do?

Mr. BENSON. I talked with him just along the line of that contract.

Mr. EMBRY. What is the substance of that contract which you had with Alexander?

Mr. BENSON. For and in consideration of the sum of \$150 per month, I was to employ him for three months or less, as in my judgment I might choose, to represent my interests in Mexico or Eagle Pass. I think that was the substance of the contract.

Mr. EMBRY. There are no interlineations or cancellations of the contract in the copy you have?

Mr. BENSON. There was an agreement that he was to incur no expense without my consent.

Mr. EMBRY. I say the copy you have contains no erasures or interlineations in it?

Mr. BENSON. There are interlineations in my handwriting at the bottom of it, that he is to incur no expense without my consent.

Mr. EMBRY. That is all?

Mr. BENSON. Yes, sir.

Senator CURTIS. The reason you gave for discharging him was that you wanted to cut down expenses?

Mr. BENSON. That is it; yes, sir.

Senator CURTIS. You have stated in your testimony that you had some reports that he was doing more harm there than good, and that was the reason you discharged him?

Mr. BENSON. I wanted to let him down easy.

Senator CURTIS. You just wanted to let him down easy?

Mr. BENSON. Yes, sir.

Mr. EMBRY. I notice here what purports to be a statement of a deed from Ah-che-che to Chapman, dated July 28, 1906, and it appears that on the same day Chapman and wife made a deed to J. H. Myers, and it appears that on the same day J. H. Myers executed a mortgage to you covering this land. How were these transactions accomplished at that time?

Mr. BENSON. I wanted to put a mortgage on all this land in order to help carry it. I was selling farm mortgages. I was in that business a great deal and did not want all these mortgages to be signed by W. L. Chapman, and I had them deeded to various parties and they signed the mortgages, accommodation mortgages.

Mr. EMBRY. Then this man Myers, who made the mortgage back to you, has no interest in that tract of land.

Mr. BENSON. None whatever.

Mr. EMBRY. Then Myers was just to aid in distributing the apparent ownership of the land, so that the mortgages would be more negotiable—that is, you could sell them at a better price?

Mr. BENSON. Yes, sir.

Mr. EMBRY. Has Myers any interest in any of those tracts where he appears to be a grantee?

Mr. BENSON. No, sir; none whatever.

Mr. EMBRY. He has no interest where he executed mortgages—no interest in the land at all?

Mr. BENSON. No, sir; none at all. He deeded them back.

Mr. EMBRY. Wherever J. H. Myers's name appears in these Kickapoo transactions he has no interest at all?

Mr. BENSON. None at all.

Mr. EMBRY. Who is J. H. Myers?

Mr. BENSON. He is the father-in-law of W. L. Chapman.

Mr. EMBRY. And J. H. Myers at no time paid any money to you or anyone else in any of these matters?

Mr. BENSON. Just \$1 necessary to complete the transaction to fix it up. He has no interest whatever.

Mr. EMBRY. There was no transaction at all?

Mr. BENSON. It was done for accommodation purposes.

Mr. EMBRY. Now, I find here a deed appearing to be from Ah-nah-tha-hah-quah to W. L. Chapman, which appears to be dated July 28, 1906, and that on July 28, 1906, Chapman and wife deeded to J. H. Myers, and on July 28, 1906, Myers mortgaged this land to W. O. Dean. What do you know of that transaction?

Mr. BENSON. Those mortgages were made, or the majority of them, to W. O. Dean, he being connected with me in the farm loan business.

When this trouble occurred over these land titles I had all these mortgages transferred back to me, and I signed the mortgages from W. O. Dean to myself. Those assignments have never been put on record.

Mr. EMBRY. Then W. O. Dean has no interest in any of these mortgages?

Mr. BENSON. Only two.

Mr. EMBRY. What two?

Mr. BENSON. I could not say.

Mr. EMBRY. But only two?

Mr. BENSON. Only two.

Mr. EMBRY. And then whatever interest he may have had or appeared to have under any of these mortgages or deeds, except as to two allotments, was transferred by him back to you?

Mr. BENSON. Yes, sir.

Mr. EMBRY. He and you have it?

Mr. BENSON. Yes, sir.

Mr. EMBRY. Was there ever any money transactions between you and him with reference to these transfers?

Mr. BENSON. None at all.

Mr. EMBRY. He was simply holding them in an accommodation capacity?

Mr. BENSON. Yes, sir.

Mr. EMBRY. And he has no equity or interest in them?

Mr. BENSON. No, sir.

Mr. EMBRY. What interest or equity has he in the two allotments that you excepted?

Mr. BENSON. He holds mortgages against the property.

Mr. EMBRY. For how much?

Mr. BENSON. I think one is for \$800 and the other for \$900.

Mr. EMBRY. Now, Mr. Dean was a partner of yours in the loan business at the time these deeds were taken?

Mr. BENSON. No, sir; we were in the loan business.

Mr. EMBRY. You discussed with him the project of purchasing Kickapoo lands in Mexico before it was done?

Mr. BENSON. Yes, sir.

Mr. EMBRY. He understood the purpose, did he?

Mr. BENSON. Oh, yes, sir.

Mr. EMBRY. Did he have any interest in the enterprise silently with you?

Mr. BENSON. Nothing further than the interest in the farm-loan business and these mortgages on the two allotments which he took. Those mortgages are a part of the original undertaking down there. He took those personally.

Mr. EMBRY. He understood at the time you bought these lands that he would take two mortgages covering two of those allotments, did he?

Mr. BENSON. I do not know that there was any understanding, but in the final wind up he retained two of the mortgages.

Mr. EMBRY. He at one time held more than two, did he not?

Mr. BENSON. They were all made in his name.

Mr. EMBRY. And that was part of the general arrangement in securing this land for you?

Mr. BENSON. No, sir.

Mr. EMBRY. Did he not consult with you and you with him at the time you were buying this land, and wanted to make these accommodation mortgages?

Mr. BENSON. No, sir; he had nothing to do with the purchase of the land. This was strictly a farm-loan transaction between him and me.

Mr. EMBRY. Was that a partnership or corporation?

Mr. BENSON. Yes, sir; we had what we called the Southwestern Loan Association at the time he was a partner in it.

Mr. EMBRY. Was it a corporation or partnership?

Mr. BENSON. It was a corporation.

Mr. EMBRY. Who owned the stock?

Mr. BENSON. He and I.

Mr. EMBRY. Did you have a regular Territorial charter?

Mr. BENSON. We had a Territorial charter. He and I and his son were the incorporators.

Mr. EMBRY. Now, as to those two allotments on which he still retains a mortgage, how about those?

Mr. BENSON. He bought those for his own use.

Mr. EMBRY. Did he pay you the money for them?

Mr. BENSON. He did.

Mr. EMBRY. Is the amount specified in the mortgages?

Mr. BENSON. Yes, sir.

Mr. EMBRY. When did he buy these? After this controversy arose about this land?

Mr. BENSON. Before. I do not suppose he would have bought those if he had to fight them after the controversy arose.

Mr. EMBRY. Who was this man Enos Nicholls?

Mr. BENSON. He resides here in town. He is a money lender.

Mr. EMBRY. Who is R. S. Harper?

Mr. BENSON. I do not know.

Mr. EMBRY. There appears to be a deed here from Cha-chah-ko-the-wa to W. L. Chapman, of June 23, 1906, and it was mortgaged to you on July 1, 1906, or deeded July 26, 1906, Chapman and wife to yourself; then on January 22, 1907, C. J. Benson and wife to R. S. Harper. Do you know anything about that transaction?

Mr. BENSON. I do not know anything about that. The land is deeded to him.

Mr. EMBRY. He mortgaged that first and afterwards deeded it.

Mr. BENSON. I know about the mortgage he deeded, but I do not know how R. S. Harper's name got into it. I do not know him.

Mr. EMBRY. Do you know that R. S. Harper has any interest in that land?

Mr. BENSON. I do not.

Mr. EMBRY. Would you know if he had a certain interest?

Mr. BENSON. I should think I would; yes, sir. I saw that name before in some matters and was wondering what it was—in the suit on this case in the summons.

Mr. EMBRY. He was made a party where a suit was brought to set that aside?

Mr. BENSON. Yes, sir; I was wondering at the time who he was.

Mr. EMBRY. You think that is a mistake—there was no transfer to Harper at all?

Mr. BENSON. Yes, sir; it must be.

Mr. EMBRY. Here is a deed that appears to have been made by Kah-pah-he-ho-buah to W. L. Chapman, dated July 23, 1906. On July 28, 1906, it appears that Chapman deeded this land to W. W. Andrews, and that on July 28, 1906, it appears that Andrews mortgaged it to W. O. Dean, and on the same day it appears that W. W. Andrews deeded this land to yourself, C. J. Benson.

Mr. BENSON. That is another one of those accommodation contracts.

Mr. EMBRY. You have the whole interest in that, and those other people have none?

Mr. BENSON. Yes, sir.

Mr. EMBRY. And there was no consideration in the course of their transaction, and they parted with no consideration in the course of their transaction?

Mr. BENSON. No, sir.

Mr. EMBRY. Here is a deed made by Ket-te-quah, daughter of Ah-waw-nee, to W. L. Chapman under date of July 21, 1906. This appears to have been mortgaged to C. J. Benson, yourself, on July 26, 1906, and deeded to you by Chapman and wife on July 27, 1906, on which there is an assignment of C. J. Benson to W. O. Dean on August 10, 1906, and the relinquishment of C. J. Benson to W. L. Chapman on January 21, 1907, and a mortgage of W. C. and M. C. Grimes to C. J. Benson on February 1, 1907. What do you say as to the status of that title?

Mr. BENSON. It appears to be another mortgage from W. C. and M. C. Grimes covering those other tracts. That land was deeded to W. C. Grimes by me.

Mr. EMBRY. Was this a part of the partnership transaction?

Mr. BENSON. No, sir; he paid me a thousand dollars for it.

Mr. EMBRY. Well, this land was purchased from the Indian on July 21, 1906, at the time these people were operating under this contract?

Mr. BENSON. Yes, sir.

Mr. EMBRY. Then it was part of the partnership transaction?

Mr. BENSON. This was another Grimes, W. C., not L. C., his nephew.

Mr. EMBRY. What did they call this W. C. Grimes?

Mr. BENSON. Tack.

Mr. EMBRY. Tack Grimes was down there with the other people at the time they bought this land, was he?

Mr. BENSON. Yes, sir; he was down there in his own behalf.

Mr. EMBRY. You understand he was there all the time and knew what was going on, do you?

Mr. BENSON. I suppose so; I do not know; I am not sure. He was there at the time they were taking these deeds; I am satisfied about that.

Mr. EMBRY. How much did Tack Grimes pay you for that?

Mr. BENSON. \$1,000.

Mr. EMBRY. What tracts of land did that cover, just the one mentioned?

Mr. BENSON. Two tracts. Do you want the description?

Mr. EMBRY. Yes; if you can give them.

Mr. BENSON. The W.  $\frac{1}{2}$  SE.  $\frac{1}{4}$  sec. 14, T. 12, R. 1, and the E.  $\frac{1}{4}$  SW.  $\frac{1}{4}$  sec. 14, T. 12, R. 1.

Mr. EMBRY. Here is a deed which appears to have been made by Pah-pah-me-na-ko-the of the land of his wife, Pah-ah-kah-ne, to R. C. and Carmen Conine, of the date of October 8, 1906, which, on October 22, 1906, was conveyed to Chapman and Brown. Have you any interest in that transaction?

Mr. BENSON. None whatever; no, sir.

Mr. EMBRY. At what time, if at all, did Chapman and Brown separate in their operations from you or the joint enterprise which they had with you?

Mr. BENSON. After the first lot of deeds were taken in Mexico.

Mr. EMBRY. About what time was that?

Mr. BENSON. I think when those deeds were taken, July 25, I believe.

Senator CURTIS. July 21 and 23?

Mr. BENSON. The 21st and 23d of July, 1906.

Mr. EMBRY. Did you not become interested with them in any land taken subsequent to July?

Mr. BENSON. No, sir.

Mr. EMBRY. Why did you quit at that time?

Mr. BENSON. I had enough in it.

Mr. EMBRY. You say Enos Nicholls was a money lender?

Mr. BENSON. Yes, sir.

Mr. EMBRY. Where does he live?

Mr. BENSON. At Shawnee.

Mr. EMBRY. Who is M. P. Brown, if you know?

Mr. BENSON. He is the father of A. T. Brown.

Mr. EMBRY. The father of Al Brown.

Mr. BENSON. Yes, sir.

Mr. EMBRY. Who is John S. Malaske?

Mr. BENSON. He is a farmer.

Mr. EMBRY. I find here that it appears that Wah-sko-tah and Mah-ska-ko made a deed to W. L. Chapman of July 31, 1906, which was mortgaged to you July 26, 1906, and the appearance of another mortgage on the same date or double entry on the record of the one mortgage, and then it was that on July 28, 1906, Chapman and wife deeded that land to you; then it appears that on January 21, 1907, yourself and wife conveyed to John S. Malaske; then it appears that on February 1, 1907, John S. Malaske and wife mortgaged this land to you. What is the state of that title?

Mr. BENSON. The land was sold to Malaske. He gave a mortgage back in part payment.

Mr. EMBRY. How much has he paid on that?

Mr. BENSON. What is the amount of the mortgage?

Mr. EMBRY. It appears that the amount of the mortgage is \$800 and the consideration \$2,250.

Mr. BENSON. \$1,250.

Mr. EMBRY. He paid that, did he?

Mr. BENSON. Yes, sir; he did.

Mr. EMBRY. How many deeds were bought for you altogether and the partnership of which you were a member of these Kickapoo land allotments—how many allotments were purchased?

Mr. BENSON. About 30, and among that 30 there were 4 or 5 heirship pieces.

Mr. EMBRY. What was peculiar about the heirship matters to distinguish them from the others?

Mr. BENSON. They just bought what interest the Indian had in the allotment.

Mr. EMBRY. Leaving you a part owner with probably somebody else in the same allotment?

Mr. BENSON. Yes, sir.

Mr. EMBRY. Neither the heirship land nor others were approved by the Department or Secretary at any time, were they?

Mr. BENSON. No, sir.

Mr. EMBRY. It was not sold upon advertisement, was it?

Mr. BENSON. No, sir.

Mr. EMBRY. There was no attempt to comply with any of the regulations of the Interior Department as to sales, was there?

Mr. BENSON. We did not regard there were any regulations with reference to the sale of that land.

Mr. EMBRY. There were about 30, you say?

Mr. BENSON. Yes, sir.

Mr. EMBRY. And that 30 includes about 4 of these heirship pieces?

Mr. BENSON. Yes, sir.

Mr. EMBRY. If I understand, you have the title to all the 30, except that conveyed to Tack Grimes and John Malaske?

Mr. BENSON. I think there have been about 5 pieces sold.

Mr. EMBRY. To whom?

Mr. BENSON. John Malaske and W. C. Grimes, 2; Mr. Gray, 1.

Mr. EMBRY. Gray's is the Paw-haw-kah land, is it?

Mr. BENSON. No, sir; it is the John Snake land and another piece, a party whose name I do not remember—but that was the John Snake land, 2 of them.

Mr. EMBRY. Now, you have named all that you have sold. On the Malaske land there is money due you secured by mortgage on the land?

Mr. BENSON. Yes, sir.

Mr. EMBRY. On W. C. Grimes's land is the money due you secured by mortgage on that land?

Mr. BENSON. Well, no; that is really secured by the mortgage on the land and some property in Oklahoma City.

Mr. EMBRY. None of the W. C. Grimes consideration has been paid, has it?

Mr. BENSON. No, sir.

Mr. EMBRY. You hold the note for it?

Mr. BENSON. Yes, sir.

Mr. EMBRY. W. C. Grimes has not paid anything for the tract you conveyed to him?

Mr. BENSON. No, sir; he gave me a mortgage on this land and some property in Oklahoma City.

Mr. EMBRY. And you have that note?

Mr. BENSON. I think that note was made to the bank. The money was gotten from the bank.

Mr. EMBRY. The bank here?

Mr. BENSON. Yes, sir.

Mr. EMBRY. He got the money from the bank and paid it to whom?

Mr. BENSON. Paid it to me.



Mr. EMBRY. Are you an officer of this bank?

Mr. BENSON. Not now.

Mr. EMBRY. In what capacity did you act as officer at that time?

Mr. BENSON. I was not an officer at the time the money was paid.

Mr. EMBRY. What bank was it that advanced that money on the W. C. Grimes note.

Mr. BENSON. The Oklahoma National Bank.

Mr. EMBRY. Was that the bank of which you were former president?

Mr. BENSON. Yes, sir.

Mr. EMBRY. Did this bank advance you the full funds on that note?

Mr. BENSON. It did.

Mr. EMBRY. Who were the officers of the bank that made the transaction down here?

Mr. BENSON. Mr. J. W. Ruby.

Mr. EMBRY. Was he an officer of the bank at the time of this Kickapoo transaction?

Mr. BENSON. No, sir.

Mr. EMBRY. Are there any sums due on the other three tracts which you think should be sold?

Mr. BENSON. I think not.

Mr. EMBRY. You have not any mortgages on any of these lands except the two that you mentioned that W. O. Dean held; is that true?

Mr. BENSON. Well, I think all the mortgages except those two.

Mr. EMBRY. I mean there are yet outstanding mortgages belonging to other persons than those except the two which Dean has?

Mr. BENSON. Yes, sir.

Mr. EMBRY. And there is no one who has any mortgage, lien, title, or equity in any of this land except the 5 tracts which you have stated you sold, and the two mortgages that Dean has?

Mr. BENSON. That is right.

Mr. EMBRY. And yourself and your associates, Grimes and Chapman?

Mr. BENSON. Yes, sir; that is right.

Mr. EMBRY. How long were you president of that bank? What is the name of the bank?

Mr. BENSON. Oklahoma National Bank.

Mr. EMBRY. Do you know one Leonard A. Hampton?

Mr. BENSON. I do.

Mr. EMBRY. How long have you known Mr. Bentley?

Mr. BENSON. Ten or eleven years.

Mr. EMBRY. Did you know Mr. Bentley at the time he was Indian agent of the Kickapoos here?

Mr. BENSON. Yes, sir; I did.

Mr. EMBRY. I will ask you if during that time Mr. Hampton and Mr. Bentley left with you in escrow in your bank a contract relating to the cancellation or the attempted cancellation of the Kickapoo Indian allotments in this county?

Mr. BENSON. They did.

Mr. EMBRY. Do you know what that contract is?

Mr. BENSON. No, sir; I do not.

Mr. EMBRY. When did you see it last?

Mr. BENSON. It must have been a year and a half after the contract was made, I believe. I can not remember now; it has been too long ago.

Mr. EMBRY. Please state substantially what the contract was.

Mr. BENSON. It seems that the contract was entered into between Hampton and Bentley, by which Hampton was to secure an illegal allotment, and there was a deposit made with the contract to be paid to Bentley when Hampton secured filing on this land. I think that was the contents of it. It has been so long I don't remember.

Mr. EMBRY. Mr. Hampton made the deposit with your bank?

Mr. BENSON. Yes, sir.

Mr. EMBRY. At that time did you use a deposit certificate or certified certificate of deposit?

Mr. BENSON. Yes, sir.

Mr. EMBRY. Is that your signature attached to this paper?

Mr. BENSON. Yes, sir.

Mr. EMBRY. At some subsequent time this certificate of deposit was returned to the bank, was it not?

Mr. BENSON. It was.

Mr. EMBRY. What adjustment was made, if you can now recall, at the time the certificate of deposit was returned?

Mr. BENSON. Hampton demanded his money and said he could not get the land and wanted to take his money down. I told him to bring Mr. Bentley in there and have him indorse the certificate and I would pay him the money.

Mr. EMBRY. Was that the reason Mr. Bentley's name is indorsed here?

Mr. BENSON. Yes, sir.

Mr. EMBRY. Did you require Mr. Bentley to indorse this before you would return the money to Hampton?

Mr. BENSON. Yes, sir.

Mr. EMBRY. This certificate is payable to the order of "As per contract attached." Do you know what was done with that contract at that time and when this certificate was returned to you?

Mr. BENSON. No, sir; I do not. I think it was doubtless turned over to Mr. Hampton, but I can not remember.

Mr. EMBRY. This refers to the contract, the substance of which you state was that that money was to be paid to Bentley after the cancellation of this allotment and he got his filing?

Mr. BENSON. Yes, sir; I think the contract was made to W. W. Ives.

Mr. EMBRY. The money was to be paid to Ives?

Mr. BENSON. Yes, sir.

Mr. EMBRY. Here is the Oklahoma State Bank, "Deposited by L. A. Hampton on contract as shown on file here, Shawnee, Okla., 7-3-01."

The CHAIRMAN. That is the money that went to the credit of Hampton.

Mr. EMBRY. Checks as follows, \$500.

Mr. BENSON. The certificate shows that he has deposited that \$500 to be put into this contract—to be placed in this contract.

Mr. EMBRY. Now, if I understand, this certificate of deposit was made when Mr. Hampton came in and paid the \$500 to your bank?

Mr. BENSON. He wanted some evidence that he deposited that \$500 with that contract, and we gave him that certificate.

Mr. EMBRY. Then the certificate of deposit was made and attached to the contract?

Mr. BENSON. That is true.

Mr. EMBRY. The amount to be paid to Ives, if the undertaking in the contract was complied with?

The CHAIRMAN. That is, if the cancellation took place?

Mr. BENSON. Yes, sir.

Mr. EMBRY. Who dictated this contract or the terms of it, if you know?

Mr. BENSON. Mr. Bentley.

Mr. EMBRY. Were there any other similar contracts to those left there in your bank along about that time or during the time Mr. Bentley was the Indian agent, that you remember of?

Mr. BENSON. There was one other contract he had with W. M. Davis in regard to some land deal, but I do not remember the contents and I do not remember the time.

Mr. EMBRY. Do you remember what land it was that this contract refers to?

Mr. BENSON. This piece of land was right south of the city, just across the bridge on the right side.

Mr. EMBRY. I am speaking of its character with reference to its being Indian land or private land?

Mr. BENSON. It was Indian land.

Mr. EMBRY. About when was that, if you can remember?

Mr. BENSON. I can not remember.

Mr. EMBRY. Approximately, as near as you can?

Mr. BENSON. It was about three or four years ago.

Mr. EMBRY. Was it after he ceased to be agent?

Mr. BENSON. I do not remember.

Senator CURTIS. So you say to this committee that if anyone claimed in July, 1906, that you were willing to put \$5,000 more in the Indian lands, these Kickapoo lands, they were mistaken and it was without your authority?

Mr. BENSON. Well, Senator, I may have sent a telegram of that kind, but I do not know. All I know is that I got about \$30,000 into the deal and after I got that in I did not want to put any more in because I had enough.

Senator CURTIS. Had you got the \$30,000 in at that time?

Mr. BENSON. I can not say, unless I would see the telegram.

The CHAIRMAN. I want to ask you a question. When did you enter into this arrangement with these people to go into this business of securing Indian lands?

Mr. BENSON. I think it was in April or May, 1906.

The CHAIRMAN. You had a verbal agreement?

Mr. BENSON. Yes, sir.

The CHAIRMAN. What was your agreement with these people?

Mr. BENSON. I was to furnish the money for that land and on their representation that this bill was going to pass and that these Kickapoos were to be allowed to sell their land without restriction here, and they were to pay me 8 per cent interest on the money and one-fourth interest in the profit.

The CHAIRMAN. Each had one-fourth interest?

Mr. BENSON. Yes, sir.

The CHAIRMAN. But they were to employ assistance that they needed in securing the deeds, were they not?

Mr. BENSON. I do not know anything about that. I was to pay the expenses of getting the deeds.

The CHAIRMAN. Did they employ Conine, or did you?

Mr. BENSON. They did.

The CHAIRMAN. You recognized that as a proper transaction on your part, did you?

Mr. BENSON. Yes, sir.

The CHAIRMAN. Cal Moore was not a party to this contract; was he employed there?

Mr. BENSON. Not that I know.

The CHAIRMAN. But if they did employ him, it was in your agreement that he should be employed?

Mr. BENSON. I was to pay the expenses. Mr. Chapman was my agent. I had no talk or agreement with any others.

The CHAIRMAN. He was authorized to do what was necessary to make these purchases, was he?

Mr. BENSON. Yes, sir.

The CHAIRMAN. And you trusted him to do the work?

Mr. BENSON. Yes, sir; I did.

The CHAIRMAN. I want to call your attention to this: You had a verbal agreement down to the 10th day of August, did you not? Now, why did you on the 10th day of August make a contract different from what you had before?

Mr. BENSON. These parties insisted on it.

The CHAIRMAN. Now, this is what Grimes said in his declaration about you people: "And the plaintiff alleges that the said Chapman so failed and refused to convey the same to the said Benson." He claimed that Chapman was not carrying out his promise to convey to you "in pursuance to a secret and private understanding and agreement between the said defendants, and in violation of the terms of said written contract." Now, what was that secret and private understanding?

Mr. BENSON. That was the agreement, that I was to buy the land and give them one-fourth interest in the profit.

The CHAIRMAN. Why did you require a secret and private understanding?

Mr. BENSON. That is a petition filed by an attorney. I did not know why it was put in there.

The CHAIRMAN. That was Mr. Grimes's statement that you had a private and secret arrangement about this matter?

Mr. BENSON. I think that is what he refers to there—the agreement that the land was to be deeded to me, and they were to have one-fourth interest in the profits.

The CHAIRMAN. In your original agreement, which is signed by the four of you—signed by Benson, Chapman, Brown, and Grimes—the original agreement, as I understand, had these words: "That this agreement is not for record and under no circumstances is the same to be recorded."

Mr. BENSON. That was done so as not to encumber the records over there and prevent the easy transfer of the land when it was sold.

The CHAIRMAN. But you did not record all the deeds, did you, as soon as you got them?

Mr. BENSON. We did not want this contract put on the record there so as to encumber the record when it came to the transfer of that land. I insisted on that myself.

The CHAIRMAN. You were afraid the people would not buy the land there, were you?

Mr. BENSON. No, sir; it was not for that reason. It was to facilitate the transfer of the land to the purchaser when it was sold—not to encumber the record too much, because it costs a great deal to get up the abstracts and release these agreements. Everybody would have had to sign a deed when the land was sold.

The CHAIRMAN. If the deeds had been made to you under this contract they would have conveyed all their title, would they not?

Mr. BENSON. Not with that contract in the record; no, sir. We would have had to have a quitclaim deed.

The CHAIRMAN. No, you would not. You were trustee for a specific purpose, as described in this contract.

Mr. BENSON. My attorney advised me in the matter.

The CHAIRMAN. You did have a contract which you did not give to the public—a secret understanding, as is stated here—did you not? Is that true or not? Is what Mr. Chapman said in that respect true, that you had a secret and private understanding?

Mr. BENSON. We had no other agreement or private understanding than we would have had in any other business affair. There are certain transactions in all business affairs that need not be made public.

Senator CURTIS. As I understand, you will get from your attorney those original deeds so that we can look at them, and will do that some time this afternoon?

Mr. BENSON. They are right here now [producing papers].

Senator CURTIS. These are all you have, are they? Please make a search and see if you can get any more, and leave the deeds with us this afternoon.

Mr. BENSON. Very well, sir.

The witness was thereupon excused, and at 12.30 o'clock p. m. the committee took a recess until 1.30 o'clock p. m.

#### AFTER RECESS.

SAMUEL PATRICK, having been first duly sworn, testified as follows:

Senator CURTIS. Where do you live?

Mr. PATRICK. I live 23 miles south of here.

Senator CURTIS. How long have you lived in this neighborhood?

Mr. PATRICK. About nine or ten years.

Senator CURTIS. Are you acquainted with the members of the Kickapoo tribe of Indians known to belong to the band of Kicking Kickapoos?

Mr. PATRICK. No, sir; I do not know any of the Kickapoos at all. I have been living among the Shawnees.

Senator CURTIS. You do not know anything about the Kickapoos having gone to Mexico, personally, or how they came to go?

Mr. PATRICK. No, sir; only from hearsay.

Senator CURTIS. Did you know anything about the Shawnees going to Mexico?

Mr. PATRICK. Well, yes, sir; some of them.

Senator CURTIS. Has there been any effort lately on the part of any person to get the Shawnees to go to Mexico?

Mr. PATRICK. Not that I know of.

Senator CURTIS. Do you know Tony Alexander?

Mr. PATRICK. No, sir.

Mr. EMBRY. Mr. Patrick, you know Mr. Bentley, do you?

Mr. PATRICK. Yes, sir.

Mr. EMBRY. You knew Mr. Bentley when he was United States Indian agent?

Mr. PATRICK. Yes, sir.

Mr. EMBRY. Please examine the paper I hand you and state if at the time Mr. Bentley was Indian agent you had a contract for sawing lumber.

Mr. PATRICK. Yes, sir.

Mr. EMBRY. Who for?

Mr. PATRICK. For the Indians.

Mr. EMBRY. You had that contract with Mr. Bentley?

Mr. PATRICK. Yes, sir.

Mr. EMBRY. How much lumber did you saw?

Mr. PATRICK. It was just a verbal contract. He told me he thought it was to saw 50,000 feet, but I never sawed that much.

Mr. EMBRY. What did you put in your bills for?

Mr. PATRICK. I put in different bills. I would say so much for one Indian and so much for another Indian.

Mr. EMBRY. Did you put in a bill for the exact amount sawed?

Mr. PATRICK. Yes, sir.

Mr. EMBRY. Did you ever put in any bills for anything that you had not sawed?

Mr. PATRICK. No, sir; I never did. One time I sawed a lot for Snakeman, and I brought the bill and gave it to Mr. Bentley to get the money. I think it was for 1,200 feet, if I am not mistaken, and Mr. Bentley said, "You will have to double that amount for me to be able to pay you. I had to get my own lumber and haul it." He doubled the amount and paid me for 1,200 feet and wrote out a statement. He made out a bill payable for double the amount and I signed it. He asked me to sign it and I signed it. He paid me for 1,200 feet.

Mr. EMBRY. The exact amount of lumber delivered was 1,200 feet, was it?

Mr. PATRICK. Yes, sir; I think so.

Mr. EMBRY. Mr. Bentley made out the bill for 2,400 feet?

Mr. PATRICK. Yes, sir; he doubled the amount.

Mr. EMBRY. And you signed the bill?

Mr. PATRICK. Yes, sir.

Mr. EMBRY. And he paid you for the 1,200 feet?

Mr. PATRICK. Yes, sir; I cut my own logs. My understanding was that the Indians were to get the logs and put them in. They did not do it and I did it myself.

Mr. EMBRY. And you doubled the amount?

Mr. PATRICK. Yes, sir; Mr. Bentley doubled the amount.

Mr. EMBRY. And paid you on the basis of twice the amount of lumber?

Mr. PATRICK. Yes, sir; he paid me for so much and cutting the logs—he doubled it.

Mr. EMBRY. Were you here after Mr. Bentley went out as Indian agent?

Mr. PATRICK. Yes, sir.

Mr. EMBRY. Did he ever make any proposition to lease you any Indian land?

Mr. PATRICK. He did, before he went out. There was a lake on the land and I told him I wanted to lease there, and he said he would get a lease for me, but he never did get it until he went out. I was still there on the place. I broke 12 or 14 acres and fenced it all in for him and he promised to get me a lease. I saw him after Mr. Thackery came in and asked him about the lease, and he said he had never got it. I said, "I will have to go if I do not get it; the other agent would not give me any lease," and he said to stay there. He made a remark, I believe, that if the Indian got out of there he would get me some cheap land. He said all the Indians would leave here, or if he could get them to leave here he would get me some cheap land.

Mr. EMBRY. What did he say further, if anything, about getting the Indians away from here?

Mr. PATRICK. He talked like he was trying to get them to go away.

Mr. EMBRY. To go where?

Mr. PATRICK. To Mexico, I guess. That was where they were going.

Mr. EMBRY. How long was that after Mr. Thackery was appointed agent?

Mr. PATRICK. A month or two. I dug a well on the place.

Mr. EMBRY. What, if anything, did he tell you to do if Thackery interfered with your staying on the land?

Mr. PATRICK. He did not say anything. Thackery could not put me off. Unless the Indian kicked, Thackery could not put me off.

Mr. EMBRY. Did he explain to you how he would get cheap land?

Mr. PATRICK. No, sir; he never did.

Mr. BENTLEY. Was the Indian referred to Little Captain, one of the kicking Indians who would not lease his land?

Mr. PATRICK. Yes, sir; he belonged to the Big Jim band.

Mr. BENTLEY. And I told you if he would stay there or would come there and claim his land, when he did it would be necessary to make a lease, but I could not make a lease without the consent of the Indian.

Mr. PATRICK. Yes, sir; but you promised me to see the Indian and try to get a lease from him.

Mr. BENTLEY. Do you not know that I tried to get him to sign the lease?

Mr. PATRICK. Yes, sir.

Mr. BENTLEY. And then when the Indian would not sign, I said "you had better go on and improve the land." It was timber land?

Mr. PATRICK. Yes, sir; it was raw land.

Mr. BENTLEY. Your presence on the land was beneficial, was it not?

Mr. PATRICK. I was beneficial to it. I did a lot of hard work there.

Mr. BENTLEY. The Indian was not injured by your presence there?

Mr. PATRICK. No, sir; he was not injured. He was benefited, if anything.

Senator CURTIS. With regard to that lumber business, you say this additional amount was paid you because you furnished the logs?

Mr. PATRICK. Yes, sir. I just got paid for the 1,200 feet and he put in a bill for 2,400 feet, and it was approved.

Senator CURTIS. You were to furnish the logs yourself in this case?

Mr. PATRICK. Yes, sir.

Senator CURTIS. In the other case where they furnished the logs you just made the receipts for the exact amount?

Mr. PATRICK. They did not furnish any. I had to cut them all. If they had furnished all I would just have got so much for cutting them.

Senator CURTIS. Do you know where the lumber went?

Mr. PATRICK. Snakeman hauled it off, part of it, and Mr. Bentley or his hands hauled off part.

Senator CURTIS. Did you see Snakeman having a building built?

Mr. PATRICK. Yes, sir.

Senator CURTIS. Was it a barn?

Mr. PATRICK. Yes, sir.

The CHAIRMAN. Snakeman was a member of the tribe, was he?

Mr. PATRICK. Yes, sir. All the lumber I sawed the Indians used.

The CHAIRMAN. He was the man we had on the stand the other day, was he?

Mr. PATRICK. Yes, sir.

Mr. EMBRY. You say he paid you for 1,200 feet?

Mr. PATRICK. Yes, sir.

Mr. EMBRY. Do you mean he paid you an amount he usually got for 1,200 feet?

Mr. PATRICK. He paid me a dollar and twenty-five cents a hundred.

Mr. EMBRY. Where you did not cut the logs yourself, he would pay you how much?

Mr. PATRICK. Sixty cents.

Mr. EMBRY. Then he paid you \$1.25 on the basis of 1,200 feet?

Mr. PATRICK. Yes, sir.

The witness was thereupon excused.

MANUEL MILLS, having been first duly sworn, testified as follows:

Senator CURTIS. What is your name?

Mr. MILLS. Manuel Mills.

Senator CURTIS. Where do you live?

Mr. MILLS. Near Harrah, in Lincoln County.

Senator CURTIS. How long have you lived in Lincoln County, Okla.?

Mr. MILLS. Seven or eight years, as near as I can guess.

Senator CURTIS. Do you know that part of the Kickapoo tribe of Indians known as the Kicking Kickapoo or Mexican Kickapoos?

Mr. MILLS. Yes, sir; I am very well acquainted with all of them.

Senator CURTIS. Have you lived among those Indians, in or upon any of their reservations?

Mr. MILLS. Yes, sir.

Senator CURTIS. For how many years?

Mr. MILLS. About twenty years.

Senator CURTIS. Did you ever lease any of their lands?



Mr. MILLS. Not directly from them. I bought a lease once that a white fellow had.

Senator CURTIS. Did you ever lease any through the agent?

Mr. MILLS. No, sir.

Senator CURTIS. Do you know Mr. Bentley?

Mr. MILLS. Yes, sir.

Senator CURTIS. How long have you known him?

Mr. MILLS. About the same time.

Senator CURTIS. Did you ever have any transactions with him in regard to that Kickapoo land down there?

Mr. MILLS. Yes, sir; there was a contract supposed to be drawn up at one time where I am living for Oque-na-ko-the. He was an Indian chief.

Senator CURTIS. What was it, a lease?

Mr. MILLS. Yes, sir; a lease. I was to have a certain share of the crop and give him a certain share of it.

Senator CURTIS. How many years did you have that lease?

Mr. MILLS. I think that lease was just for one year.

Senator CURTIS. Do you know anything about these Kickapoos going to Mexico?

Mr. MILLS. Yes, sir.

Senator CURTIS. Did you ever talk with them about it?

Mr. MILLS. Yes, sir.

Senator CURTIS. How long had they been talking about going to Mexico?

Mr. MILLS. I do not know how many years, but about the time Mr. Bentley went out of office, or probably a little before that.

Senator CURTIS. Some of them had been down there before that, had they not?

Mr. MILLS. They had been visiting down there.

Senator CURTIS. Some of them used to live there fifteen or twenty years ago?

Mr. MILLS. They said they did.

Senator CURTIS. Some were there thirty years ago, were they not?

Mr. MILLS. I do not know.

Senator CURTIS. Were you ever down there?

Mr. MILLS. Yes, sir.

Senator CURTIS. How many years ago?

Mr. MILLS. I was down there last year.

Senator CURTIS. Were you there before?

Mr. MILLS. No, sir.

Senator CURTIS. What time last year were you there?

Mr. MILLS. I went down in February, I think, and stayed until along in September, as near as I can remember.

Senator CURTIS. Were you down there while Grimes and Chapman and Al. Brown and Cal. Moore were there?

Mr. MILLS. Yes, sir.

Senator CURTIS. Where were you stopping?

Mr. MILLS. At the Kickapoo village.

Senator CURTIS. How often did those gentlemen go out to the camp while you were there?

Mr. MILLS. They were there often.

Senator CURTIS. They were there often, were they not?

Mr. MILLS. Yes, sir.

Senator CURTIS. Did they come in the day or night time?

Mr. MILLS. They came in the day.

Senator CURTIS. And the night also, did they not?

Mr. MILLS. I do not remember whether they did or not.

Senator CURTIS. They came in the night or day?

Mr. MILLS. Yes, sir.

Senator CURTIS. You saw them out there frequently, did you?

Mr. MILLS. Yes, sir.

Senator CURTIS. You saw Mack Johnson, did you not?

Mr. MILLS. Yes, sir; I saw him down there.

Senator CURTIS. What was Mack's condition most of the time when you saw him there—was he drunk or sober?

Mr. MILLS. He was drunk some and sober some.

Senator CURTIS. There was a good deal of whisky and mescal around the camp there, was there not?

Mr. MILLS. Yes, sir.

Senator CURTIS. It was there, too, when these men were out there, was it not?

Mr. MILLS. Yes, sir.

Senator CURTIS. Did you ever drink any with these men?

Mr. MILLS. No, sir.

Senator CURTIS. You do not drink, do you?

Mr. MILLS. No, sir.

Senator CURTIS. You were not on very good terms with them at that time—the Grimes-Chapman-Conine crowd—were you?

Mr. MILLS. No, sir; we were not special friends.

Senator CURTIS. You were not associating together?

Mr. MILLS. Not very much.

Senator CURTIS. Did you ever interpret for them?

Mr. MILLS. I do not think I did down there. I might have a little, but not much, I do not think.

Senator CURTIS. Did they pay you any money?

Mr. MILLS. No, sir.

Senator CURTIS. Why did you fall out with them?

Mr. MILLS. I do not know that the trouble I had with them amounted to anything. My trouble was with Bentley.

Senator CURTIS. You had trouble with Bentley, did you?

Mr. MILLS. Yes, sir. I did not have any trouble with those fellows much there.

Senator CURTIS. Who seemed to be the leader of this Grimes-Chapman-Conine crowd?

Mr. MILLS. I do not know. They worked two horses in the lead.

Senator CURTIS. They had Mexican policemen there, did they, to help them?

Mr. MILLS. Yes, sir; it seemed like they had two leaders down there. What is that attorney they had down there from the United States?

Senator CURTIS. Outcalt?

Mr. MILLS. Yes, sir; he looked like to me he went in there to work with those fellows.

Senator CURTIS. What does that mean?

Mr. MILLS. It looked like he was working with them. The Indian asked me how did I find out this. The Indian heard that Thackery

was down there and they told me to see him. I just wanted to see Thackery to tell him the Indian and I could not get to see him, and the Indian insisted that I should go and see Outcalt, and I went to see if he would protect them, and when I went there Mr. Outcalt cursed me and did terrible, I thought.

Senator CURTIS. He was sober, was he not, when he talked to you?

Mr. MILLS. I do not know whether he was or not. I guess he was. He did not look like a drunken man.

Senator CURTIS. What did he say to you?

Mr. MILLS. He called me a d—— s—— of a b—— and allowed I was taking him for Bentley. I said, "No, sir; I am not." He said, "The Indians here are in distress, and they want to find out who is their friend and they want to be aided by the United States, and that is what I am here for. I am not here to pick around and help any of those fellows who are defrauding the Indians."

Senator CURTIS. Where did that conversation occur, up in Muzquiz?

Mr. MILLS. No sir; at the village at Peskonet's house.

Senator CURTIS. Was that the first time Outcalt came, or the second time?

Mr. MILLS. I do not know whether it was the first or second time.

Senator CURTIS. He was out there several times, was he not?

Mr. MILLS. I do not know whether he was or not.

Senator CURTIS. How many times did you see him out there?

Mr. MILLS. I saw him out there that once, and might have seen him twice.

Senator CURTIS. Did he give you any satisfaction when you told him you wanted him to help the Indians?

Mr. MILLS. No, sir; he just commenced cursing around and said I was taking him for Bentley.

Senator CURTIS. What did he say about Grimes and Chapman?

Mr. MILLS. He said Grimes was a good man. "Let the Indians sell their land to Grimes."

Senator CURTIS. What else did he say?

Mr. MILLS. He was on the platform and the Indians were there, and I did not know but what we would have to run. There was nothing else said, I do not think, but there may have been something else.

Senator CURTIS. When Doctor Conine came out did he usually have a gun with him?

Mr. MILLS. He had his gun on.

Senator CURTIS. When they had the Mexican police out there did they have guns and knives?

Mr. MILLS. They had guns and knives.

Senator CURTIS. Do you remember when they started to take the Indians, the first crowd that came over at Sabinas, to take them to Eagle Pass? Do you remember how they took them out of the camp?

Mr. MILLS. They had buggies there. I was scared myself. I could not tell you exactly.

Senator CURTIS. Tell us what you remember of it.

Mr. MILLS. There was a policeman there who looked like a little Mexican armed.

Senator CURTIS. And Conine was there, was he?

Mr. MILLS. Yes, sir; and Conine was kind of foreman.

Senator CURTIS. Was Joe Clark there?

Mr. MILLS. Well, I was kind of scared. I do not know whether he was or not. He might have been there.

Senator CURTIS. Was Grimes there?

Mr. MILLS. Mr. Grimes was there; yes, sir.

Senator CURTIS. Did he have any gun or knife?

Mr. MILLS. I did not know whether he did or not.

Senator CURTIS. He usually carries a knife, does he not?

Mr. MILLS. He usually does. He might have had his knife.

Senator CURTIS. How many policemen did they have to herd these Indians and take them to Eagle Pass?

Mr. MILLS. I do not know how many there were.

Senator CURTIS. You thought there were enough?

Mr. MILLS. There were a plenty.

Senator CURTIS. Had the Indians been drinking that day?

Mr. MILLS. They had been drinking the day before that.

Senator CURTIS. They loaded them up with whisky the day before, did they not?

Mr. MILLS. I do not know whether they did or not. They were loaded up by the Oklahoma outfit that was down there with whisky, because before that there was nothing there.

Senator CURTIS. Before these gentlemen, Grimes, Conine, Chapman, Brown, and Moore, came down there, these Indians were not drunk, were they?

Mr. MILLS. They were drunk right smart.

Senator CURTIS. Before that?

Mr. MILLS. Yes, sir.

Senator CURTIS. I thought you said a while ago they did not drink until that Oklahoma crowd came down?

Mr. MILLS. Well, there were Oklahoma men in there before.

Senator CURTIS. Who were the others?

Mr. MILLS. Mr. Bentley and Mr. Field were there.

Senator CURTIS. Did you see them give them any whisky?

Mr. MILLS. No, sir.

Senator CURTIS. Was Doc. Beatty there that day?

Mr. MILLS. He was there a little while, I think.

Senator CURTIS. He was a former saloon keeper here, was he not?

Mr. MILLS. I think he was. There was a crowd that came that night and I think they were arrested and fired out of the camp.

Senator CURTIS. That was the first night they came?

Mr. MILLS. Yes, sir.

Senator CURTIS. That was the night Mr. Thackery was there, was it not?

Mr. MILLS. I heard Mr. Thackery was there that evening and I wanted to go to see him, on what I know the Indians wanted.

Senator CURTIS. And they were arrested and ordered out of the camp, and you did not get a chance?

Mr. MILLS. I did not get a chance. I wanted to see Thackery.

Senator CURTIS. Chapman and Grimes and Conine did not come around for a few days, did they? It was two or three or four days before they came around, was it not?

Mr. MILLS. They might have been back the next day and might not. Anyhow, they were back sometime after that.

Senator CURTIS. Were you there when they took the Indians up to Guajardo's house the first time, about the 20th or 21st of July?

Mr. MILLS. Yes, sir.

Senator CURTIS. Are you sure about that, or were you in Muzquiz that time?

Mr. MILLS. I was in Muzquiz.

Senator CURTIS. Did you see them come by?

Mr. MILLS. I was kind of under arrest.

Senator CURTIS. Who had you under arrest?

Mr. MILLS. Mr. Outcalt.

Senator CURTIS. What did he have you under arrest for?

Mr. MILLS. I could not tell; I do not know.

Senator CURTIS. Had you committed any crime?

Mr. MILLS. None at all.

Senator CURTIS. Had you violated any Mexican law?

Mr. MILLS. Not that I know of.

Senator CURTIS. Had you been drunk?

Mr. MILLS. No, sir.

Senator CURTIS. How did you get out, and how much did they fine you?

Mr. MILLS. Nothing.

Senator CURTIS. How many days did they keep you in jail?

Mr. MILLS. They did not keep me; they kept me on that irrigating ditch they were making through there.

Senator CURTIS. You did not want to make any ditch for them, did you?

Mr. MILLS. I was not there for that purpose.

Senator CURTIS. State if you saw the Indians go by in going up to Guajardo's house that day.

Mr. MILLS. Yes, sir.

Senator CURTIS. Were there any policemen with them?

Mr. MILLS. I saw two, or maybe three.

Senator CURTIS. Was Dr. Conine there?

Mr. MILLS. He was not with them. He was with some others.

Senator CURTIS. Did you see him?

Mr. MILLS. I did not see him. He went another road into town there.

Senator CURTIS. With another crowd?

Mr. MILLS. Yes, sir.

Senator CURTIS. You did not see whether he had forgotten to take his gun that day, did you?

Mr. MILLS. He was mighty apt to have his gun. He generally had it. I always saw his gun on him.

Senator CURTIS. What white men were with this crowd that were in charge of the Mexican police? Was Grimes, or Brown, or Moore?

Mr. MILLS. None but the police, I think.

Senator CURTIS. How many of them were there?

Mr. MILLS. Two or three.

Senator CURTIS. Is that not the crowd that was taken from jail up to Guajardo's house?

Mr. MILLS. No, sir.

Senator CURTIS. Before the Indians were in jail?

Mr. MILLS. I did not see them. I saw those come from the camp.

Senator CURTIS. Were you there the last time they were taken some time in December—when they were taken over later in the fall to Guajardo's house the second time?

Mr. MILLS. I guess I was not there. I had come up here.

Senator CURTIS. Tell us about your trouble with Bentley. We want to know all of your troubles down there.

Mr. MILLS. That is right. Now you are getting to it—to all our troubles. I am here to tell you. When I left here last year and went down there my eyes were bad. I started from Atlanta, Ga., to see a doctor down there, Doctor Harris was telling me about. He said he thought he could get me in free. I had a law suit with the United States. Thackery was just knocking me.

Senator CURTIS. Right and left?

Mr. MILLS. You bet you.

Senator CURTIS. Now just get down to business. We want you to get down to Mexico.

Mr. MILLS. I was down there, and after a while here came the Indians. They were in a ditch down there—an irrigating ditch—and I helped them there to farm, and after a while up came Mr. Bentley. Mr. Bentley came over and began to—I do not know whether he came first or Mr. Field—but he began to talk about the Indians, about signing up. Well, I had always been friendly with Mr. Bentley, and at last one day he said to me something about it, he said to me something about if I had any money. I told him yes, I had a little. I said "I want to go on over here down to get my eyes doctored." I told him I would have to swing on to my money. I did not let him have it, and I worked on then. I was arrested by one of his pets; and Noten, one of the Indians there, did not like it and he turned me loose. But after that at Pakotah's house he said to me—I had come from the camp up there, or probably he came down after me—he said he wanted some money and I was afraid to tell him "you shall not have it." I told him to let me alone. He said "let me see it." If I had been here in the United States I would not have pulled it out. But I handed it to him and he said, "Yes, that will do, come on," and I went on to the wagon.

Senator CURTIS. Did you ever get that money back?

Mr. MILLS. Wait a minute.

Senator CURTIS. Did you ever get it back?

Mr. MILLS. And he told me to go ahead and tell it. Yes, sir, I got it back.

Senator CURTIS. Just tell the fact.

Mr. MILLS. I am telling it. Mr. Field witnessed it, and then I was down in Muzquiz, and then he got arrested pretty soon after that. Then I got to see Guajardo, the judge down there, and I told him, and he said, "Mr. Bentley brought some Indians here and made complaint against you himself," and I told him then about my money, and there was another gentleman there—Noble was his name—and I got him to come up here and see his woman, and she gave me, I believe, \$25 Mexican money.

Senator CURTIS. Do you mean Mrs. Bentley?

Mr. MILLS. Yes, sir; she gave me \$25 Mexican money and \$425 in gold. I went up there to tell him that would not do, and found out he was in Eagle Pass, and I went up there and he gave me some

checks on a bank for the money, on Mr. Bonnet's bank. I drew \$200 of it, but do not know whether that was all he gave me, just that one check. He might have given me another check; I think he did, but he made it to be paid in August, and I sent the check to the other bank—up to Mr. Bonnet's bank—to get the money, and Mr. Noble went to Mr. Bonnet and he refused to pay him the money and I got Mr. Noble to send it down to Muzquiz; and Mr. Noble wrote up there, as I understand, and said, "you are a poor fellow; you do as I say. You go up there and demand your money of Mr. Bentley and I will help you out. They have no business to beat you out of your money." So I took the check and went up to Eagle Pass to see Bentley, and when I got there there were some Indians there. I got an Indian to go and insist upon it first. I said "you make out like you are going to let me have your land and get the money," and the Indian went. He is dead now. I wish he was here. He said "Bentley said he is not going to give you that money; you have not paid him for getting that land that you are on." I said "great goodness," and the next day I did not know what to do. I got after him again and told another Indian, Pah-pah-me-na-ko-the, to see him and make out like he was going to let him have his land, but I said, "don't you let him have it; don't you sign; you tell him you will sign if he will pay me my money;" and I went with him up to Mr. Bonnet's place there. Mr. Bentley still worried along and did not pay it, and I went around to that woman where he stayed—I do not know what her name is—and told her about it, and she said "here, you help get the Indians to sign for Mr. Bentley, because we have let him have money; you get the Indians to sign for Bentley and I will see that it is paid myself, or I will pay it." I said "I did not come down here to steal or scare Indian squaws out of their land, and if I can not get that without doing it, I will do without it." She said "you do that way and you will get your money. You listen to me." The next money I got in the bank with him. I went around there with him to Mr. Bonnet's bank again, and her son, I guess it was, and through her son the next morning, I believe, or some time, maybe two or three days after, I got him to cash that check. But before Mr. Bentley cashed it he said to me "here, you have not paid me for that land." I said "I have not bought any land from you." He said "I got you that land." I said "Mr. Bentley, I wont pay you nothing; that is my money to doctor my eyes with, and I worked hard for it."

Senator CURTIS. Had you ever agreed to pay Mr. Bentley anything for getting that land?

Mr. MILLS. I never did make any contract with him to pay him. He refused to pay me, although I demanded it before that. Then I went to Mr. Bonnet, the cashier, his partner down there, and wanted to know of him why he refused to pay the money—why Mr. Bentley had refused to pay it—why did the banker refuse to pay it. The banker could see how my eyes were and know I was in a bad fix, and he said Mr. Bentley instructed him not to pay. Those were his instructions, telling him not to pay it. You can write to Mr. Bonnet, who will tell you the same thing. I was a day or two getting my money. I got it finally by working hard to get it. I did not tell the woman I would help to get the Indian sign, but I insinuated in order to get my money I would help to get the Indians to sign up for Mr. Bentley, to that white woman.

Senator CURTIS. What did you do when you got your money?

Mr. MILLS. I halloed hallelujah in my heart. I was glad. I never had such a time getting money all my life. My eyes were in a bad fix and I had worked hard and wanted to get my money to doctor my eyes with.

Senator CURTIS. Did you go back to Muzquiz?

Mr. MILLS. Yes, sir.

Senator CURTIS. Did you have any more trouble?

Mr. MILLS. I had no more trouble.

Senator CURTIS. Were you arrested after that by Outcalt's order?

Mr. MILLS. No, sir.

Senator CURTIS. It was before that that you were arrested by Outcalt's order, was it?

Mr. MILLS. Yes, sir.

Senator CURTIS. How long did you stay at Muzquiz after you got your money?

Mr. MILLS. I do not remember; I do not think very long.

Senator CURTIS. It was too warm for you down in that climate, was it not?

Mr. MILLS. It was too hot to treat me in that way about my money.

Senator CURTIS. Were you in Eagle Pass when these Indians were in that stable yard?

Mr. MILLS. They had two policemen; Mr. Bentley had one policeman and Grimes had one.

Senator CURTIS. Bentley had a place in Ciudad Porfirio Diaz?

Mr. MILLS. No, sir; at Eagle Pass.

Senator CURTIS. Whereabouts?

Mr. MILLS. Out at that white lady's house.

Senator CURTIS. Where did Grimes have his place?

Mr. MILLS. He had his place just over west in a wagon yard.

Senator CURTIS. How many Indians did you see in there?

Mr. MILLS. Six or 7, I guess.

Senator CURTIS. Did you go in there and talk with them?

Mr. MILLS. Yes, sir; Mack Johnson was there.

Senator CURTIS. Whom did you go in with?

Mr. MILLS. I went in by myself.

Senator CURTIS. They did not object to your going in, did they?

Mr. MILLS. The Indians did not. Conine made some objection there.

Senator CURTIS. That was after they signed up, was it not—signed their names to the deeds?

Mr. MILLS. No, sir; I do not think they had signed yet.

Senator CURTIS. What did you advise those Indians to do—to sign or not to sign?

Mr. MILLS. I said to those Indians, "Don't you sign your lands to Bentley or Grimes either, for they are stealing it." I told them, "They are stealing your land; they want your land." I said, "You work with the Government at Oklahoma if you want to sell your land."

Senator CURTIS. Those who were at Muzquiz told you they had not signed, did they?

Mr. MILLS. They all said so, they had not signed. I said, "You do not want to sign your land away."

Senator CURTIS. Did that crowd that went up to Guajardo's house tell you afterwards they had not signed, and they did not want to sign?



Mr. MILLS. Yes sir; they said they had not signed and did not want to sign.

Senator CURTIS. Who seemed to be running the Grimes crowd down there besides Conine?

Mr. MILLS. Chapman was the chief carter, and Cal. Moore was a dealer.

Senator CURTIS. Who else?

Mr. MILLS. I saw Mr. Johnson down there.

Senator CURTIS. Russell Johnson?

Mr. MILLS. Yes, sir.

Senator CURTIS. He was a dealer too, was he?

Mr. MILLS. He was a kind of moneyed fellow, and I saw this Brown down there. I guess he was a kind of moneyed man.

Senator CURTIS. He was a king bee, was he?

Mr. MILLS. Yes sir; he was a kind of king bee, or considered himself a king bee. He thought he just had to look at an Indian and the Indian would do just what he wanted him to do.

Senator CURTIS. Who else?

Mr. MILLS. I saw this man Sweeney down there.

Senator CURTIS. What was he doing?

Mr. MILLS. He was twisting around. His intentions were to get the Indians to Eagle Pass to sign land to Bentley.

Senator CURTIS. How many men were helping Bentley? You have given the others. Now, how many did Bentley have there? There was Bentley himself. Now, who were the others?

Mr. MILLS. Mr. Field and Mr. Sweeney and Mr. Gostin.

Senator CURTIS. Gostin was a farmer?

Mr. MILLS. He was helping Bentley. You asked me who was helping, and I am going to tell it all. If you want to have a clear, fair thing, I am ready to talk. I am not a smart man, but I always want to tell the truth. And there was a little fellow there from Washington.

Senator CURTIS. Mr. Erney?

Mr. MILLS. Yes, sir; that is his name.

Senator CURTIS. They were all the white men who had the Indians there?

Mr. MILLS. Yes, sir.

Senator CURTIS. Now, after Mr. Bentley was arrested and got out and went out of Mexico these other fellows had things their own way, did they not?

Mr. MILLS. Pretty much their own way; yes, sir.

Senator CURTIS. There was no other opposition?

Mr. MILLS. No, sir.

Senator CURTIS. How often did you meet Mr. Outcalt down in Muzquiz?

Mr. MILLS. He kept me there.

Senator CURTIS. Did this other white man visit him often; did Mr. Bentley visit him?

Mr. MILLS. No, sir.

Senator CURTIS. Did Mr. Field?

Mr. MILLS. No, sir; not that I saw.

Senator CURTIS. Did Mr. Grimes?

Mr. MILLS. Yes, sir.

Senator CURTIS. Did Doctor Conine?

Mr. MILLS. Yes, sir.

Senator CURTIS. Did Al. Brown and Chapman?

Mr. MILLS. Yes, sir.

Senator CURTIS. And Cal. Moore?

Mr. MILLS. Yes, sir.

Senator CURTIS. And Joe Clark?

Mr. MILLS. Mr. Clark was with him.

Senator CURTIS. What was Tack Grimes doing there?

Mr. MILLS. I saw him there. He did not seem to be dealing with them very much, around with the Indians. He claimed he was just down there after a home.

Senator CURTIS. He wanted to live in Mexico, did he?

Mr. MILLS. He wanted the Indians to hold up here 160 acres, I believe, that he had been renting.

The CHAIRMAN. He wanted to get a home here?

Mr. MILLS. Yes, sir; he wanted to get a home here. When those fellows came down there, the condition those Indians were in down there in the beginning, the way Mr. Field had them, those Indians were scared when they came.

The CHAIRMAN. You forgot to tell us what Mr. Bentley wanted them to sign up. Was it a deed, or an agreement to stay in Mexico or come down to Oklahoma? What was it?

Mr. MILLS. I do not know what it was.

The CHAIRMAN. Did you see the paper?

Mr. MILLS. I saw them signing there.

The CHAIRMAN. Was it a big, long thing like a roll, or was it something like a deed?

Mr. MILLS. The papers I saw were more like deeds.

The CHAIRMAN. Did you hear them say anything about a new roll?

Mr. MILLS. No, sir. Mr. Bentley told me himself he was going to have the United States consul or some man there, I believe—I think it was the United States consul, Mr. Bonnet—have all those Indians acknowledge deeds there, and then he would have a cinch.

The CHAIRMAN. At the camp?

Mr. MILLS. Yes, sir; and one day there I heard Mr. Field say—that is why I was so anxious to see Mr. Field—that they had seven deeds, and Mr. Field told me he was afraid Outcalt would get ahold of one of those seven persons. I said: "What is that for?" He said: "Everything was done they could do, but nothing had been passed at Washington."

The CHAIRMAN. Who said that?

Mr. MILLS. Mr. Field; and I was very anxious then. I thought there was something wrong, and I was very anxious to get hold of Mr. Thackery and tell him all about it, so he could help those Indians. I talked to that old woman, Tah-pah-thea. She cried, and said Mr. Bentley had never mentioned the deed to her about selling her land. She cried like a baby, and those Indians, or some of them, are good ones. Some are kind of tough, and there is a certain class of those Indians that are held down under control by the others. They will come to you scared, and they will not tell the facts. If they had you off somewhere by themselves they would tell you.

The CHAIRMAN. You mean in a corner somewhere?

Mr. MILLS. Yes, sir; because they are afraid of the others.

The CHAIRMAN. Is it not a fact that most of these Indians are very ignorant and poor people?

Mr. MILLS. Yes, sir.

The CHAIRMAN. Just about as ignorant as Indians can possibly be, are they not?

Mr. MILLS. Lots of them are; yes, sir.

The CHAIRMAN. They do not understand, do they?

Mr. MILLS. No, sir; they do not understand anything, hardly; only after they get hold of anything which is made known to them they understand how to try to hold it and keep it.

The CHAIRMAN. You know that old, crazy Indian there, Paw-kaw-kah?

Mr. MILLS. Yes, sir.

The CHAIRMAN. Everybody regarded him as crazy or imbecile, did they not?

Mr. MILLS. Yes, sir.

The CHAIRMAN. He can not speak a word, can he?

Mr. MILLS. He can say a little, but not much.

The CHAIRMAN. Are you sure he can make a sound?

Mr. MILLS. He can speak a little. I have tried to talk with him, and he can say a little something, but not much.

The CHAIRMAN. Nothing that is intelligible?

Mr. MILLS. No, sir.

The CHAIRMAN. He is regarded by all the Indians and all the people who know him there as insane, is he not?

Mr. MILLS. Yes, sir; the Indians all know him.

The CHAIRMAN. Anyone who saw him would tell you he was not right, would they not?

Mr. MILLS. Yes, sir; a sharp man who was well educated ought to tell it.

Mr. EMBRY. You say that Mr. Field talked about seven deeds?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Was that before or after Mr. Field came down there?

Mr. MILLS. That was after Mr. Thackery had come.

Mr. EMBRY. Did you learn that Tah-pah-thea was one of the people who had made one of those seven deeds?

Mr. MILLS. Yes, sir; I learned through Mr. Field.

Mr. EMBRY. What did Mr. Field say to you about Tah-pah-thea's deed?

Mr. MILLS. He said he was afraid Mr. Thackery would get hold of one of those persons.

Mr. EMBRY. Why was Mr. Field afraid that Thackery would get hold of them?

Mr. MILLS. It seems they had not got them affirmed. They had acted bad about it, or something, and the whole bill and everything they had before Congress had all broken down. There were seven of those persons.

Mr. EMBRY. And Mr. Field had not got his deeds affirmed?

Mr. MILLS. No, sir; and he was afraid he would get hold of them.

Mr. EMBRY. And if Thackery got hold of any of them—

Mr. MILLS. It would just ruin his deed, and the bill that he had in Congress would not pass; and then I worked like forty to get hold of Mr. Thackery. I wanted to see him, and that was why I wanted to see him—to get hold of that evidence.

Mr. EMBRY. Then Mr. Field was trying to keep these seven from seeing Thackery?

Mr. MILLS. Yes, sir; he was working hard.

Mr. EMBRY. What did he do to keep them from seeing Thackery?

Mr. MILLS. He was working his influence there with the Indians, telling them not to have anything to do with Thackery.

Mr. EMBRY. Where was Mr. Bentley at that time?

Mr. MILLS. He was there in the camp.

Mr. EMBRY. How did he work his influence with the Indians to have these seven not to have anything to do with Mr. Thackery?

Mr. MILLS. He told the interpreter not to have anything to do with those fellows.

Mr. EMBRY. You say Tah-pah-thea cried about this deed?

Mr. MILLS. She cried about her land. I talked to her and then arranged for her to go and make an affidavit; and after Outcalt had time to attend to it he would not do it; and it just dragged along there and gave Grimes and them a chance and Mr. Bentley's other pets to come back and scare her, so she was afraid to do anything.

Mr. EMBRY. What did Tah-pah-thea say about the deed?

Mr. MILLS. She cried, and said she could tell every cent of money Mr. Bentley had given her. He had not talked to her about her land, and the water ran out of her eyes. He had not said a single word to her about her land, and she said she wanted her land back and would be glad to get Mr. Outcalt to help her out, and I went to Mr. Outcalt and told him to help her; it was awful. A man who would do that way—it is awful. If you are all down here by the aid of the Government and under the Supreme Father, I would go after this thing right. It is a shame.

Mr. EMBRY. What did Outcalt say to you?

Mr. MILLS. He said he would promise to attend to it right away, but he did not do it.

Mr. EMBRY. Was this old woman Tah-pah-thea afraid of Mr. Bentley?

Mr. MILLS. She was afraid of the other Indians. They have a council down there. Mr. Bentley has got pets, and she was afraid of them and the other Indians—those men folks. She was afraid they would get mad.

Mr. EMBRY. Who were the council of pets?

Mr. MILLS. Pakotah-Kishkinequote, Johnny Mine, and Okemah.

Mr. EMBRY. Whose pets were they?

Mr. MILLS. Mr. Bentley's and Wah-pah-che-quas's.

Mr. EMBRY. Would that council intimidate these other Indians?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Did they intimidate this old woman?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Did they make her afraid to tell about those deeds?

Mr. MILLS. Yes, sir.

Mr. EMBRY. How long did that continue there?

Mr. MILLS. That continued all the time there in that way.

Mr. EMBRY. When did you last see this old woman?

Mr. MILLS. I saw her when I was down there, I believe in September.

Mr. EMBRY. How was she living?

Mr. MILLS. She was living there and living poorly, and insisted on wanting to come home, and I made arrangements with a man—I was

going to pay Wah-pah-ho-ko's fare here, the old woman's and her son's fare up here, and Pakotah's two boys. One is here now. I was going to pay their way, and Tah-pah-thea's way, and her daughter's way.

Mr. EMBRY. What did she say as to how much money Mr. Bentley had paid her for her land?

Mr. MILLS. She mentioned some little amount. She did not know what it was. I believe she said what it was, but I do not remember just now what she said it was.

Mr. EMBRY. Was it a large or a small amount?

Mr. MILLS. It was small; I do not think it was a \$100, or over a hundred dollars. She said she could tell every dollar in every shape, form, and fashion about it.

Mr. EMBRY. You think Mr. Thackery went too far with this Grimes crowd down here, do you?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Tell the committee just what he did?

Mr. MILLS. I saw Mr. Outcalt down there and he kept me there in a room, and he would go off with this man Grimes and have a conversation with him out in the streets, and would take a walk with Grimes and Chapman. On one morning I saw Mr. Chapman go down the steps with a big lot of papers. That was the morning Clark lost him. He had the Indians out sending them to Mr. Guajardo's, and that morning I saw him early, talking secretly to Chapman, in Chapman's room. I mean Mr. Outcalt.

Mr. EMBRY. Mr. Outcalt and whom?

Mr. MILLS. Mr. Outcalt and Mr. Chapman, and oftentimes Mr. Outcalt and Mr. Grimes had secret conversations, I took it to be. They would go off to themselves and be quiet about it, and go in the room and shut the door, and sometimes they would be in the room and leave the door open, and I would go in the building and then he would shut the door and I could not go in the room.

Mr. EMBRY. What were they talking about when you went into the room?

Mr. MILLS. They would be talking about something about the country, or the Indians, or something of that kind.

Mr. EMBRY. Were they talking about buying lands?

Mr. MILLS. No, sir; they never said anything about that.

Mr. EMBRY. Did you hear them talking about buying lands at any time?

Mr. MILLS. No, sir; I never heard them talk about that. There was a saloon down under there, and an old Nacimiento woman would be there and they would come up there and be in Outcalt's room, and Grimes would come up there with little Cal. Moore. They had them all drunk when they were up in their room, and there was one woman down there so drunk she could not walk.

Senator CURTIS. Do you mean Rachel Kirk?

Mr. MILLS. Yes, sir; she was there lots of times. Cal. Moore took her. She could not walk, and Cal. Moore put her up in the buggy. She was drunk.

Mr. EMBRY. Where did Cal. Moore take her when he put her in the buggy?

Mr. MILLS. Some of the Indians were there who were not drunk. A Mexican took them out to the village.

The CHAIRMAN. Out to Muzquiz?

Mr. MILLS. The Indian village.

The CHAIRMAN. That was their home, I suppose?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Were you up in Outcalt's room at any time when these Indian women were up there?

Mr. MILLS. I was there sometimes when they came in there.

Mr. EMBRY. What would they talk about when they came in?

Mr. MILLS. They did not stay long. He did not talk any with the women while I was in there.

Mr. EMBRY. Did you see him talking to any women up there?

Mr. MILLS. No, sir.

Mr. EMBRY. Would they come into Outcalt's room?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Did they talk any about lease payments or anything of that kind?

Mr. MILLS. Some of the women came up there to talk about lease payments and wanted to know where the lease money was that Mr. Thackery had brought down there for them.

Mr. EMBRY. They understood Mr. Thackery had brought money and left their lease money with Outcalt at Muzquiz?

Mr. MILLS. Yes, sir; and they wanted to get their lease money and did not want to sell their lands or assign them to anybody. That was their intention. They wanted to get the lease money and sell to nobody. They wanted the United States to still aid them.

Mr. EMBRY. What did you see Outcalt doing with any of those women?

Mr. MILLS. I did not see him do anything to any of them.

Mr. EMBRY. Did you see any of those women in Outcalt's room when there were any other men in there?

Mr. MILLS. No, sir; I never saw him alone. When I was in there, or Mr. Clark, some of those women would come in. There is a room upstairs and there is another room, and he would go out to watch him. I do not know whether he would go right in the room or not.

Mr. EMBRY. You do not know whether he would go in their room or not?

Mr. MILLS. No, sir; sometimes his feet sounded that way on the floor, but I do not know whether he went in there or not.

Mr. EMBRY. Where would you be?

Mr. MILLS. In his room. If the tracks could be found on the floor they would be found going that way.

Mr. EMBRY. How often were you in Outcalt's room?

Mr. MILLS. They kept me there under arrest for something. I may not have been under arrest, but I considered I was under arrest.

Mr. EMBRY. What do you think you were under arrest for?

Mr. MILLS. They claimed that I was keeping the Indians from signing up.

Mr. EMBRY. Signing what up?

Mr. MILLS. I do not know.

Senator CURTIS. Do you mean the deeds?

Mr. MILLS. The deeds, I guess.

Senator CURTIS. What language did he use?

Mr. MILLS. He told me I was out there influencing the Indians from signing up the lands, or selling the lands; and I was against that, and

damned me he was going to keep me there. If I fooled with him he would put me on that ditch.

Senator CURTIS. Who heard him tell that, anybody?

Mr. MILLS. I do not know. Mr. Clark might have heard him, and he might not. Clark was present when he cursed me out there so when the Indians sent me to him to know if the United States would aid them down there.

Senator CURTIS. Clark was present and heard that, did he?

Mr. MILLS. He was there—Paskonah's house.

The CHAIRMAN. That was when he called you a ——?

Mr. MILLS. Yes, sir.

Mr. EMBRY. How many days did Outcalt keep you up there?

Mr. MILLS. Several days.

Mr. EMBRY. About how many?

Mr. MILLS. Three weeks, maybe, or a month.

Mr. EMBRY. Outcalt kept you up there in his room three weeks or a month?

Mr. MILLS. As near as I can tell. It might not have been so long.

Mr. EMBRY. Would he take you to your meals?

Mr. MILLS. He gave me three meals a day while I was there, I believe.

Mr. EMBRY. Where did you get your meals?

Mr. MILLS. I bought them myself.

Mr. EMBRY. You could go where you pleased, then?

Mr. MILLS. Yes, sir; I could go where I pleased, but had to be there at night. I could not go to the village; I must not go there.

Mr. EMBRY. What would he do with you when you came back at night?

Mr. MILLS. I stayed in his room.

Mr. EMBRY. Did you sleep in his room?

Mr. MILLS. Yes, sir.

Mr. EMBRY. How many beds were there?

Mr. MILLS. Two.

Mr. EMBRY. Who slept in there?

Mr. MILLS. Mr. Clark and him and me.

Mr. EMBRY. Which one did you sleep in?

Mr. MILLS. I slept by myself. I made a pallet down on the floor.

Mr. EMBRY. And you slept in there three weeks or a month with Clark and Outcalt?

Mr. MILLS. Yes, sir.

Mr. EMBRY. You have been with those Indians a long time, have you?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Do you know when they first began talking about going to Mexico?

Mr. MILLS. Yes, sir; I believe I do.

Mr. EMBRY. About what time was that with reference to the time Mr. Bentley went out as Indian agent, or ceased being Indian agent?

Mr. MILLS. Just about that time. I think they began to talk about going to Mexico.

Mr. EMBRY. Do you know who or what induced them to want to go to Mexico at that time?

Mr. MILLS. I know of one objection they had; they did not want to school their children, lots of them.

Senator CURTIS. Do you mean here?

Mr. EMBRY. They were afraid Thackery would put their children in school.

Mr. MILLS. Thackery was a schoolmaster and they thought he would take the children and put them in school.

Mr. EMBRY. Did Mr. Bentley talk that to the Indians.

Mr. MILLS. Yes, sir.

Mr. EMBRY. Would he get the Indians together and tell them that Mr. Thackery was a school man and would put their children in school?

Mr. MILLS. One time I knew him to talk that to them when they were together.

Mr. EMBRY. What time was that?

Mr. MILLS. At his house. Emma did the interpreting.

Mr. EMBRY. Do you mean Emma Garland?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Tell all that was done and said there at that time when Bentley had those Indians there and told them about Thackery going to put their children in school.

Mr. MILLS. He told them that this man would take their children and put them in school, and he (Bentley) would take them where they could just have deer and stuff, and the children would not be taken away from the Indians.

Mr. EMBRY. Who said that?

Mr. MILLS. Bentley.

Mr. EMBRY. That Mr. Bentley would take them?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Where did he tell them they would be taken; to what place did he say he would take them to?

Mr. MILLS. He said he would take them down below—I do not remember the place. He might have mentioned Mexico. He said he would take them south. Whether he mentioned old Mexico or not I do not know, probably he did.

Mr. EMBRY. What did Bentley say as to whether their children would have to go to school or not at the place he would have to take them?

Mr. MILLS. He told them the children would not have to go to school, but would have their own schools in their own way; that they would be under no white man's law. They would be their own bosses.

Mr. EMBRY. What did this Indian say about that speech of Bentley's?

Mr. MILLS. The Indians liked it. They like to do as they please and not have any law, and not live under the United States law or any other law. They liked it.

Mr. EMBRY. Were you present at any time when Mr. Bentley had the Indians before him and talked with them about these things?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Where was that?

Mr. MILLS. At old Mexico.

Mr. EMBRY. When was that?

Mr. MILLS. I do not know what month it was. It was last year at Wah-pah-ho-ko's.

Mr. EMBRY. What did he say to them there?



Mr. MILLS. He said to them that he would take them to the Pedro Blanco ranch, I believe, and they would have their own laws and not be under any other; and if these other Indians did not come up and sign for him he would put them out of the country at Eagle Pass. Mr. Field was there and I called this man up.

Mr. EMBRY. Which man?

Mr. MILLS. Mr. Bentley, to me. I said: "Mr. Bentley, I do not care where these Indians go; they have got to live under some law of their country. You do not think that the Mexicans opened this country just so they shall not live without a law? They live now in Mexico." They went back and told Mr. Field, and then I heard them again, and I called him to me again and I said: "It will never do in the world to try to run them out of this country," and then the council decided they would leave the camp; all that would not sign for him could stay there no longer.

Mr. EMBRY. That was the council that said that?

Mr. MILLS. Yes, sir.

The CHAIRMAN. Where were they to go; come back here?

Mr. MILLS. They would go to Oklahoma or anywhere else, but they could not live there.

Mr. EMBRY. Did these people they were going to expel from the camp, or who could go where they pleased, have any money to travel on at that time?

Mr. MILLS. No, sir; some did not have a cent.

Mr. EMBRY. How did they travel?

Mr. MILLS. They could not get away without just walking away and starving along the way.

Mr. EMBRY. Was that the time Mr. Bentley was insisting that they sign up for him?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Was that the paper he had, those papers that looked like deeds?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Was anything further said about their signing up these papers that looked like deeds? What did the Indians say about that when they understood they had to do that?

Mr. MILLS. The Indians said they did not want to sign their lands away, and they did not want to sign as to where they should live. They had kinsfolk in Oklahoma and did not want any such laws as that, which would prevent them coming across and seeing them, because they did not want to sign up their lands to him. They did not want that. They wanted free laws so they could go. I told them the United States and Mexican governments controlled that line, that Mr. Bentley did not.

Mr. EMBRY. Did those Indians tell Mr. Bentley that they did not want to sign up?

Mr. MILLS. Yes, sir; I heard one Indian tell me that he did not want to sign up, and he did not want to go there to relinquish that. He told Mr. Bentley that in order to keep from any trouble he would agree to let him have one 80 acres of land, but he would not go; to keep from being arrested, to be free, he would just turn loose one 80 acres of land.

The CHAIRMAN. That was to get a home for the Indians in Mexico, was it?

Mr. MILLS. No, sir; that Indian was just talking to Mr. Bentley.

Mr. EMBRY. What was Mr. Bentley to do?

Mr. MILLS. The Indian did not want any home there and wanted Mr. Bentley to let him alone and not bother him, to let him stay in Mexico, and he would pay that 80 acres of land in order not to be run out of Mexico. He did not want to be controlled by Mr. Bentley and did not want to go there.

Mr. EMBRY. Do you understand Kickapoo?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Do you talk it?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Do you understand how correctly you are saying that the Indian said he would give Mr. Bentley one 80 acres of his land if he would let him stay in Mexico and be free to go where he pleased?

Mr. MILLS. The Indian did not want him to run him out of Mexico, and he would give up one 80 acres of land. They were compelling them to sign their land away and the Indian said he would go, and Mr. Bentley told him he could not go.

Mr. EMBRY. Mr. Bentley said they would have to go to the San Francisco ranch, did he?

Mr. MILLS. Yes, sir; and the Indian said he would not go there, and wanted Mr. Bentley to let him alone and he would let Bentley have one 80 acres.

Mr. EMBRY. Did many of the Indians feel that way about it?

Mr. MILLS. There were lots of them who felt that way there, and some of them wanted to stay in Mexico. The idea was to let one 80-acre tract go out of a family and be sold here. After they had selected land to be sold here to the highest bidder one 80 acres was to go out of a family to go toward the purchase of Mexican land, but they did not want all of their land turned loose for Mexican land. None of them wanted to do that.

Mr. EMBRY. How long had you been down there before Mr. Thackery came down?

Mr. MILLS. I had been there two or three or maybe four months.

Mr. EMBRY. Do you know L. C. Grimes?

Mr. MILLS. Yes, sir.

Mr. EMBRY. How long had you been there before Mr. Grimes came down?

Mr. MILLS. I do not remember how many months. I saw Grimes before I heard of Thackery. I was working in a wheat field and saw Grimes.

Mr. EMBRY. Did Chapman or Al Brown or Conine or any of those fellows go down there before Thackery did?

Mr. MILLS. Yes, sir.

Mr. EMBRY. How long before?

Mr. MILLS. I do not know how long.

Mr. EMBRY. Did you go down there before Grimes, Conine, and Thackery?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Did those Indians at the Kickapoo village have any mescal, or were they drinking any mescal, before Grimes and Conine and that crowd came?

Mr. MILLS. Yes, sir; they would drink at nights there. They would have a little sometimes at a dance, but they did not have so

much; they did not drink and carouse around. The women did not get drunk so bad. After they came down there the men were just lying around the creeks there and the women were just drunk.

Mr. EMBRY. After the Indians went to selling land they had lots of money, or money enough to buy mescal, did they?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Did those fellows bring the mescal out there? I mean Grimes and Conine and those other fellows. Did you see them?

Mr. MILLS. No, sir; I did not see them bring it.

Mr. EMBRY. Did you see them bring mescal to those Indians anywhere?

Mr. MILLS. No, sir; I did not.

Mr. EMBRY. Was there not a mescal joint there, near the Indian village, that was run by a Mexican?

Mr. MILLS. Yes, sir.

Mr. EMBRY. How far was it from the village?

Mr. MILLS. Maybe a quarter or half a mile, I guess. It was a secret kind of a bootleg place. It was against the Mexican law. It was kind of a jackleg house. I was with an Indian one day and he went by there and got himself some, and I found out that was a bootleg place.

Mr. EMBRY. You say Outcelt asked you if you were trying to help Bentley, or what did he say about that?

Mr. MILLS. He accused me of helping Bentley.

Mr. EMBRY. What language did Outcelt use?

Mr. MILLS. He allowed I was just around pumping him to get something out of him to go back with to Bentley. I said, "No, sir; I am sent here by these Indians. They asked me to come here and find out what men were for them."

Mr. EMBRY. How long was it after Mr. Outcelt got down there that you had this conversation with him?

Mr. MILLS. I do not know. I do not think he had been there very long. Maybe eight or ten days.

Mr. EMBRY. Was Thackery there at that time?

Mr. MILLS. No, sir; he was up somewhere. He had been there, but he was off.

Mr. EMBRY. Did you see Mr. Thackery at all when he was down there?

Mr. MILLS. No, sir; I never did get to see him. He was the man I wanted to get to see instead of Outcelt. They wanted to get the lease money from him and come home, and not stay in Mexico.

Mr. EMBRY. Do you know anything about whether Mr. Bentley or Mr. Field gave the Indians any advice as to whether or not they should accept this lease money?

Mr. MILLS. They told them not to take anything from Mr. Thackery or the balance of those fellows.

Mr. EMBRY. Who told them that?

Mr. MILLS. Mr. Field and Mr. Bentley.

Mr. EMBRY. Were you arrested by Mr. Bentley?

Mr. MILLS. I considered I was arrested by him.

Mr. EMBRY. What made you consider that?

Mr. MILLS. Because Wah-pah-che-qua arrested me.

Mr. EMBRY. What did he arrest you for?

Mr. MILLS. He claimed that I had misused Wah-pah-ho-ko's girl there.

Mr. EMBRY. And had you?

Mr. MILLS. No, sir; and that is how I came to let him have that money.

Mr. EMBRY. Let whom have the money?

Mr. MILLS. Mr. Bentley.

Mr. EMBRY. What did Mr. Bentley say about you letting him have that money at that time?

Mr. MILLS. He went to Guajardo and made complaint. When I first got down there, maybe down to Annie Pecan's, he said he wanted some money. I had a little money and he wanted it. I told him I wanted this money to doctor my eyes.

The CHAIRMAN. You have stated all that before. Just answer the question.

Mr. EMBRY. Did you loan Mr. Bentley the money after you were arrested or before you were arrested on the charge of misusing Wah-pah-ho-ko's girl?

Mr. MILLS. It was after I was arrested.

Mr. EMBRY. How long afterwards?

Mr. MILLS. Maybe two days or such a matter; maybe the next day.

Mr. EMBRY. Did that have anything to do with your arrest; was anything said about that?

Mr. MILLS. Yes, sir; Mr. Bentley said, "Now, look how good I am to you. I stopped that case. Look what I have done for you." I still refused him that money. He said, "Look what I have done." I saw if I did not let Mr. Bentley have that money that he was going on there and would souse me into that Mexican prison, and I let him have it until I could get back to the United States and let some of the United States citizens know what he was doing.

Mr. EMBRY. Do you know Lee Bailey?

Mr. MILLS. Yes, sir.

Mr. EMBRY. You know that Lee Bailey contested a Kickapoo allotment out there once, do you not?

Mr. MILLS. Yes, sir.

Mr. EMBRY. He paid you \$150, did he not?

Mr. MILLS. Yes, sir.

Mr. EMBRY. What did you do with that money?

Mr. MILLS. I bought a pair of mules, or paid it on them.

Mr. EMBRY. What did he pay you that money for?

Mr. MILLS. To cancel that land there that he has got in aid of getting witnesses.

Mr. EMBRY. Did you talk with Mr. Bentley about that?

Mr. MILLS. Yes, sir.

Mr. EMBRY. What did he say to you about it?

Mr. MILLS. I asked him what shape that land was in there; that I wanted it for a home, and was willing to pay for it, and Mr. Bentley told me it was an illegal allotment; that the Indian was dead. I said, "All right." He said, "Any deal you make with that fellow is all right; I do not want the money, but when I want you to work a day or a month, if it is that long, or if it is as much as a month or any other time, that is to be your pay; anything that is right." I told him, "All right, I will do that."

Mr. EMBRY. You got the money?

Mr. MILLS. I went on, then, and made a deal with this fellow.

The CHAIRMAN. Bailey?

Mr. MILLS. Yes, sir; Mr. Bailey, and afterwards I bought a pair of mules and Mr. Bentley saw them down there and he leased some land, Pah-nah-ket-ko's land, and I made a report to Washington about his conduct—about Bentley's doings—and Bentley went down to the livery stable and demanded the money.

Mr. EMBRY. Demanded what money?

Mr. MILLS. The money I got from Bailey. I told him I would not pay it. I said, "You said it was to go for labor, and you have not paid me for my labor."

Mr. EMBRY. Did you work out that money for Bentley?

Mr. MILLS. Yes, sir, and more besides.

Mr. EMBRY. Then, if I understand, in the Lee Bailey matter you were to get the money and keep the money and work it out to Mr. Bentley?

Mr. MILLS. Mr. Bentley was not to pay for the work.

Mr. EMBRY. How much work did you do for him?

Mr. MILLS. Lots of work.

Mr. EMBRY. And that was what it was for?

Mr. MILLS. Yes, sir; I went down here and he would give hands \$1.50 a day for lots of work, but would not give me anything for what I had done.

Mr. EMBRY. You had to work in lieu of the Lee Bailey, money?

Mr. MILLS. Yes, sir.

The CHAIRMAN. He got the Lee Bailey money?

Mr. EMBRY. Yes, sir; but he did the work for Mr. Bentley. That was the compensation that Mr. Bentley was to give him.

Senator CURTIS. Was that work done on the Indian land in cutting timber?

Mr. MILLS. In cutting timber and hauling him firewood at his own house.

Senator CURTIS. Was that when he was agent?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Both of these crowds had a place at Eagle Place, did they not?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Do you know whether both of them had whisky over there or not?

Mr. MILLS. No, sir; I do not know whether any of them had whisky.

Mr. EMBRY. Did you visit the camps to see whether either of them had whisky?

Mr. MILLS. I did not visit the camp to see whether they had whisky at either place.

Mr. EMBRY. Did you visit their places over there?

Mr. MILLS. Yes sir; I was on the place and in the bank, some. They were not in the bank when they signed up, Grimes's Indians, but I was in the bank when some of Bentley's Indians were signing up.

Mr. EMBRY. You mentioned Annie Pecan's name a while ago, and you said something about Mr. Bentley's place at Eagle Pass?

Mr. MILLS. Yes, sir.

Mr. EMBRY. What were you going to say about that?

Mr. MILLS. She was there where the Indians were.

Mr. EMBRY. What was she doing?

Mr. MILLS. She was just staying there cooking. First when I went there I hunted up Mr. Bentley, and found her there. Then I stopped there while Mr. Bentley went to Eagle Pass to get the money, and she was there, and when the Indians came Mr. Bentley came to me and said, "Those Indians do not want you here." Then I went over to the other camp, to Dr. Conine, and Pakotah asked me the next morning, "What did you leave for?" I said, "Bentley told me the Indians did not want me." He said, "What Indian—what is his name?" I said, "I do not know what his name is, but that is what Bentley told me."

Mr. EMBRY. You entered one of those canceled Indian allotments; you got one canceled for yourself?

Mr. MILLS. Yes, sir.

Mr. EMBRY. And filed on it as a homestead?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Was that while Bentley was agent?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Was that the money he was referring to when you tried to claim your money back and you stated he had not paid you for that land?

Mr. MILLS. Yes, sir; that was it. I told him I had not bought any land from him.

Mr. EMBRY. You are sued in Lincoln County now? The United States has sued you to recover that land, has it?

Mr. MILLS. Yes, sir.

Mr. EMBRY. And to cancel your patent?

Mr. MILLS. Yes, sir.

Mr. EMBRY. You stated that Thackery was pushing you hard?

Mr. MILLS. Yes, sir; pushing and fighting me.

Mr. EMBRY. You understood that Thackery, and Outcalt, as assistant United States attorney, were trying to secure evidence to recover that land from you?

Mr. MILLS. Yes, sir.

Mr. EMBRY. And you know we have been trying to recover it from you?

Mr. MILLS. Yes, sir.

Senator CURTIS. Did you see Outcalt carrying any babies around there at Muzquiz?

Mr. MILLS. Yes, sir.

Senator CURTIS. How many times?

Mr. MILLS. Lots of times he would have a baby up there in his room.

Senator CURTIS. Whose baby?

Mr. MILLS. Conine's baby.

Senator CURTIS. He seemed to be greatly attached to Conine, did he not?

Mr. MILLS. I said, "Are you going to take that woman away with you?" I asked him if he was going to take Conine's woman away from him.

Senator CURTIS. When did you come back to the United States, or rather from Eagle Pass up to Shawnee?

Mr. MILLS. I came here some time shortly—

Senator CURTIS. You do not know whether it was September, October, or November, do you?

Mr. MILLS. No, sir.

Senator CURTIS. Was it in the summer time?

Mr. MILLS. It was in September, I guess, or the last of August.

Senator CURTIS. Did any Indians come up at the same time you did?

Mr. MILLS. No, sir; I came up by myself.

Mr. BENTLEY. You were testifying about the money you let me have?

Mr. MILLS. Yes, sir.

Mr. BENTLEY. Did I not tell you that I needed that money very much at that time and I had got you a good home up here for nothing, and you ought not begrudge me the use of that money for a few days?

Mr. MILLS. No, sir; you did not tell me that. When I tackled you at Eagle Pass and you refused to pay it, you said that I had not paid you for the land, and demanded that I pay you for the land.

Mr. BENTLEY. You had a check then in your hand payable the 15th of August, had you not?

Mr. MILLS. But you instructed that banker not to pay it.

Mr. BENTLEY. But you had my check?

Mr. MILLS. The check was not worth a cent.

Mr. BENTLEY. It was paid, was it not?

Mr. MILLS. It was paid after I had to work at you in every way to get you to pay it, and had to go and get that woman, and she got her son to go there the next morning and pay it at the bank.

Mr. BENTLEY. How many years did you work for those Indians helping to run outlines and build fences up and down there on the reservation?

Mr. MILLS. I worked here lots; I do not know how long. You know how I have worked while you were agent here, and to help the inspectors when they came around to show up your work with the Indians.

Mr. BENTLEY. I never paid you any money for all that work, did I?

Mr. MILLS. You never paid me a cent.

Mr. BENTLEY. When old man Oque-no-ke-the got sick and you fed him and raised stuff on the place and divided your hogs and everything on your place to keep him, did I not tell you when he was dead that that was crooked land and I would help you to get it to pay you for all you had done; that that was the only way I could pay you? Is not that why I did it?

Mr. MILLS. I do not recollect your saying anything about that at all.

Mr. BENTLEY. You did not sue me for the work you had done for the Indians, did you?

Mr. MILLS. I thought I ought to have pay.

Mr. BENTLEY. You claimed you had done four or five hundred dollars' worth of work?

Mr. MILLS. You had your interpreter, Johnny Mine, pay a claim that you had, and made a fuss between me and Ah-che-che, and had me going grubbing and grubbing to get hold of the Indians. You ought to be ashamed of yourself.

Mr. BENTLEY. I had nothing to do with that.

Mr. MILLS. It was through those interpreters.

Mr. BENTLEY. You have talked about my having you arrested in Mexico.

Mr. MILLS. Your pets did it. If it had been Grimes and his outfit I might have expected it. I had no idea about your doing what you did in Mexico.

Mr. BENTLEY. But I did not do it.

Mr. MILLS. You had your pets there, and Johnny Mine would get up there and swear to anything you told him.

Mr. BENTLEY. But he did not swear to anything, did he?

Mr. MILLS. What is the reason he did not? He saw Guajardo afterwards and he said you and your clique came up there and made the complaint.

Mr. BENTLEY. Do you not know that Guajardo came before this committee and swore that I had never been in jail over there?

Mr. MILLS. You might not have been in jail, but they had you arrested; probably you were not in jail. Perhaps he swore right.

Mr. BENTLEY. Do you not know I went to the council and got them to let you go back into the camp?

Mr. MILLS. I heard you there that night when you were telling those Indians about the Mexican laws, that no law controlled the Indians, or ran those Indians, if they did not consent to run them back into the United States, and I told you that would not do; they had to live under the Mexican Government.

Mr. BENTLEY. Have you not done work for these Kickapoos that you ought to be paid for? I know you helped to capture them.

Mr. MILLS. I had no idea of your misusing the Indians down there. The Indians told me to go with them; they did not want to farm; and you said "God damn them, they have got to go where I want them to go."

Mr. BENTLEY. Did not somebody tell you I said that?

Mr. MILLS. You said it to me yourself.

Mr. BENTLEY. You never heard me curse an Indian in your life.

The CHAIRMAN. Just answer the question, and do not make any more speeches.

Mr. EMBRY. Now, you say that some of those Indians wanted to be farmers and citizens?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Did they want to be farmers and citizens in Oklahoma?

Mr. MILLS. Yes, sir.

Mr. EMBRY. And to that Mr. Bentley said what?

Mr. MILLS. He said "God damn them, they have got to go where I want them to go."

Mr. EMBRY. Now, you say that Pakotah told you that he would swear to what Mr. Bentley told him?

Mr. MILLS. He would swear to anything that Mr. Bentley would tell him.

Mr. EMBRY. What did he say about having inspectors to inspect Mr. Bentley's conduct as agent? Did you not make some statement awhile ago about the Indian witnesses when the inspectors would come around here?

Mr. MILLS. No, sir; I do not think I did.



The CHAIRMAN. He spoke of the work that he was doing?

Mr. MILLS. It was the work I would do. It was helping Mr. Bentley along with the Indians. When they would come I would help them all I could to help Mr. Bentley hold his job while he was Indian agent and keep the inspectors from making a report.

The CHAIRMAN. You were on Mr. Bentley's side?

Mr. MILLS. Yes, sir.

Mr. EMBRY. Has anyone spoken to you since you have been here as a witness about not testifying against Mr. Bentley?

Mr. MILLS. Not more than he said a little something.

Mr. EMBRY. What did Mr. Bentley say?

Mr. MILLS. He said to me, "Are you here?" I said, "Yes." Mr. Field was with him the second time he came, and he said, "Now, recollect, my wife has got a deed to your place. You need not make any kick;" and I said, "Why not?" He said, "I will go right to Mr. Everest at Oklahoma City and have that deeded back. The United States will just beat you out of that land." That is why I did that. I said, "You did not let me know anything about your going to favor me in Eagle Pass, and I did not propose to do business that way," and he claimed that he had deeded me that, and he insisted I should not mention it: at least, I understood it that way; and Mr. Field pressed it still afterwards. He insisted, too, that I—

The CHAIRMAN. Tell what he said.

Mr. MILLS. He was talking to me about my place that he would write about to Mr. Everest: that he got that place for me and to stay by them to do as they said to.

The CHAIRMAN. Do as who said do?

Mr. MILLS. Do as those two men said, Mr. Field and Mr. Bentley.

The CHAIRMAN. Everest is your attorney, is he?

Mr. MILLS. Yes, sir.

The CHAIRMAN. He is trying to keep the United States from recovering that farm from you?

Mr. MILLS. Yes, sir.

The CHAIRMAN. And you said Mr. Bentley told you that Mrs. Bentley had a deed to your place?

Mr. MILLS. Yes, sir; that she would deed it back, just as he told her to do.

Mr. BENTLEY. I told you to do as your attorney told you to do.

Mr. MILLS. You said, "I will go with you to Oklahoma City and do whatever he pleases about it; do whatever the attorney says." He said, "You said you do as I tell you to do," you wanted me to go to Oklahoma City with you. That was your advice, for me to go to Oklahoma City with you.

The CHAIRMAN. Who said that, Mr. Field or Mr. Bentley?

Mr. MILLS. Mr. Bentley said that. He said my wife will deed the land right back to you again if Mr. Everest says so.

Mr. EMBRY. Did he tell you that at the time he was talking to you about what your testimony should be here? Was that in the same conversation?

Mr. MILLS. He was referring to that. He did not mention the necessity. It was about my testimony. I would be saying some-

thing, stating something that I should not tell or something he did not want me to tell, and he said, "You can not make a kick," and I told him, "I am not making any kick."

Senator CURTIS. What did he say about your telling what you knew? Did he ask you not to tell anything to this committee?

Mr. MILLS. He asked me in this way, to go to Oklahoma City. He did not come out and say, "Don't you go up there and say so and so."

Senator CURTIS. He told you if you would go to Oklahoma City to go to your attorney, did he not?

Mr. MILLS. To Mr. Everest, and whatever he says do.

Senator CURTIS. What did he say about your testimony before this committee? Just tell exactly what he said about it.

Mr. MILLS. I told you awhile ago he did not mention my testimony. He just said it in that way.

Senator CURTIS. Did he ask you what you were going to swear to?

Mr. MILLS. He did not say, "What are you going to swear to?"

Senator CURTIS. Did he tell you what to swear to?

Mr. MILLS. No, sir.

Senator CURTIS. Then he did not refer to your testimony in any manner, shape, or form?

Mr. MILLS. Not more than that I must listen to him, and if I would not agree to promise to listen to him, then he would have brought up this other question.

Senator CURTIS. You are supposing that. What did Mr. Field say to you about your testimony here? Tell it all, now.

Mr. MILLS. Mr. Field said, "Now, here, Mr. Bentley got you that land up here," and he said, "You just stay right with him, or right with us," one of the two, I disremember, "stay right with him or right with us." After Mr. Bentley left that was about as much as Mr. Field said.

Senator CURTIS. Did he say anything about your testimony?

Mr. MILLS. No, sir.

Senator CURTIS. Did he ask you to swear to anything here?

Mr. MILLS. He did not say anything about my swearing.

Senator CURTIS. Did he ask you to keep anything back from this committee?

Mr. MILLS. No, sir.

Senator CURTIS. Has anybody asked you to keep anything back from this committee, any person in this town?

Mr. MILLS. No, sir.

Senator CURTIS. Did anybody in either of the counties?

Mr. MILLS. No, sir.

Senator CURTIS. Nobody here in Oklahoma City?

Mr. MILLS. No, sir.

Senator CURTIS. Has anybody talked to you about your testimony before this committee?

Mr. MILLS. No, sir; no one knew that I was coming, only I guess the man who came after me and subpoenaed me.

Senator CURTIS. They knew yesterday you were going to be here to-day, did they not?

Mr. MILLS. No, sir; I did not go away from home yesterday. I worked part of the day yesterday if it was Sunday.

The witness was thereupon excused.

LEONARD A. HAMPTON—Recalled.

Mr. EMBRY. Were there any improvements on this Indian allotment which you got or contested at the time you contested it?

Mr. HAMPTON. There was a dugout and a well started to be drilled.

Mr. EMBRY. Did you have any conversation at any time with Mr. Bentley about leasing the land from him—that is, after he went out of office as Indian agent, about Indian matters in any way?

Mr. HAMPTON. Yes, sir; there was an Indian by the name of Wah-pe-tuck.

The CHAIRMAN. This was after Mr. Bentley went out?

Mr. HAMPTON. Yes, sir; I had had his land and used it for hay purposes for two or three years. He came to me and told me that Mr. Bentley wanted to see me the next day here in Shawnee. I supposed it was on this contest that he had up, and I came down. Mr. Bentley told me that Emma Garland and Wah-pe-tuck wanted to lease me their land for a period of five years. They wanted to go to Mexico. I said, "What protection will I have from being put off if I lease the land from you" [Bentley]? He said the agent could not put me off unless the Indian complained. The Indian was going to Mexico and could not make any complaint against me. I said, "I would like to have the land, but I do not want to take any risk against the Government." Mr. Bentley said, "I do not care who knows it; it is my plan." I think his words were these: "We will get as many of the ——— of the Mexicans and Kickapoos as we can get. Sooner or later we can get a law passed whereby they can sell their lands as nonresidents, and when such law goes into effect the men who stay with me will get some cheap land." That was all the conversation.

Mr. EMBRY. Was the consideration named that you were to pay for the rent of this allotment?

Mr. HAMPTON. I think the consideration was named; yes, sir.

Mr. EMBRY. What was it?

Mr. HAMPTON. I was to pay a hundred dollars a year for Emma Garland's 80, and I think, if I remember right, it was \$25 or \$30 for the other 80. The land had not been broken on it—maybe 4 or 5 acres. It was very poor upland.

Mr. EMBRY. Was there any cultivation on Emma Garland's land?

Mr. HAMPTON. Sixty acres were in cultivation.

Mr. EMBRY. Were there any improvements?

Mr. HAMPTON. Nothing but a fence.

Mr. EMBRY. What kind of land was it?

Mr. HAMPTON. First-class valley land.

The CHAIRMAN. You did not lease it, as I understand?

Mr. HAMPTON. No, sir.

The witness was thereupon excused.

W. L. CHAPMAN, having been first duly sworn, testified as follows:

Senator CURTIS. What is your name?

Mr. CHAPMAN. W. I. Chapman.

Senator CURTIS. Where do you live?

Mr. CHAPMAN. Shawnee, Okla.

Senator CURTIS. How long have you lived in Shawnee, Okla.?

Mr. CHAPMAN. About five and one-half years.

Senator CURTIS. Do you remember being in Mexico in May, June, and July of 1906?

Mr. CHAPMAN. I was not there in May.

Senator CURTIS. What time did you go there?

Mr. CHAPMAN. About the 20th of June. I do not remember the exact date.

Senator CURTIS. Will you state under what agreement or understanding with any of the parties you went there?

Mr. CHAPMAN. I had an agreement with Mr. Benson, Mr. Brown, and Mr. Grimes.

Senator CURTIS. Will you please give us their full names?

Mr. CHAPMAN. C. J. Benson, A. T. Brown, and L. C. Grimes.

Senator CURTIS. What was that agreement?

Mr. CHAPMAN. That if it was possible to purchase some Kickapoo land Mr. Benson would furnish the money.

Senator CURTIS. How much money would he furnish?

Mr. CHAPMAN. At first there was no specified amount.

Senator CURTIS. When was the amount fixed?

Mr. CHAPMAN. I do not know exactly when, except, I think, he notified me—that is my recollection—that he had as much money as he wanted to carry.

Senator CURTIS. When did you first enter into this agreement with Mr. Benson?

Mr. CHAPMAN. We had a verbal agreement in regard to the matter; I think it was in May.

Senator CURTIS. What was that verbal agreement? Just give us the understanding between you gentlemen.

Mr. CHAPMAN. It was practically what I have given you.

Senator CURTIS. How were the parties to share in the land?

Mr. CHAPMAN. To share the profits equally if there were any.

Senator CURTIS. Was it to be a one-fourth interest?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Who was to hold the title?

Mr. CHAPMAN. The title was to be taken in my name and then transferred to Mr. Benson after I returned.

Senator CURTIS. Whom did you send down there first?

Mr. CHAPMAN. Grimes and Mr. Brown went first.

Senator CURTIS. When did they go?

Mr. CHAPMAN. I do not know the exact date; I think in May.

Senator CURTIS. You did not go down there until sometime about the 20th of June, you think?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. When you went down there who was working with Grimes and Brown for you four people; who had you in their employ?

Mr. CHAPMAN. When they went down there, if my recollection serves me right, Russell Johnson went with them. I think he went with them, and Mr. Cal. Moore was there.

Senator CURTIS. Was Tack Grimes there?

Mr. CHAPMAN. I do not remember. I did not see him there at the time; I am not positive.

Senator CURTIS. Was Joe Clark there?

Mr. CHAPMAN. I think Joe Clark was in Eagle Pass.

Senator CURTIS. Was he working with you people?

Mr. CHAPMAN. No, sir.

Senator CURTIS. Was Doctor Conine there?

Mr. CHAPMAN. No, sir.

Senator CURTIS. Was he working with you people?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. When did he begin to work for you?

Mr. CHAPMAN. I can not say.

Senator CURTIS. Before you arrived there, was it?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. How much did you pay him a month?

Mr. CHAPMAN. I think it was \$150 a month.

Senator CURTIS. And expenses?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. How long did he work with you?

Mr. CHAPMAN. I do not remember the exact time. I think five or six months, perhaps.

Senator CURTIS. Commencing sometime about the 1st of June?

Mr. CHAPMAN. Either May or June.

Senator CURTIS. He worked with you five months?

Mr. CHAPMAN. Yes, sir; working with the other gentlemen.

Senator CURTIS. Who paid him?

Mr. CHAPMAN. Part of the time I did and part of the time Brown did.

Senator CURTIS. The first of the time he was working immediately under you—that is, for Brown and Chapman?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. How long did you stay down there?

Mr. CHAPMAN. I do not know exactly. They were in Eagle Pass when I first went there. They took some deeds there at Eagle Pass; I do not know the exact time.

Senator CURTIS. Did you have an understanding as to what you would pay—that you would not pay over a certain per cent of the value of the land?

Mr. CHAPMAN. No, sir.

Senator CURTIS. How much interest were you to pay on the money?

Mr. CHAPMAN. If my recollection serves me, 8 per cent—that is, you mean to Benson?

Senator CURTIS. Yes.

Mr. CHAPMAN. Eight per cent.

Senator CURTIS. Where were you staying the last of June, if you remember?

Mr. CHAPMAN. I was in Eagle Pass.

Senator CURTIS. When were you first informed that you could buy any land in Mexico from the Indians?

Mr. CHAPMAN. I do not understand exactly what you mean by that.

Senator CURTIS. Well, who first informed you when you first went down there? Did you know then that you could buy land when you first arrived there in Eagle Pass, about the 20th of June?

Mr. CHAPMAN. I knew that the act had passed Congress and been approved by the President.

Senator CURTIS. But you did not know whether you could buy any land or not?

Mr. CHAPMAN. No, sir; I did not.

Senator CURTIS. How long after that was it before you were advised that you could buy it?

Mr. CHAPMAN. By Mr. Brown and Mr. Grimes.

Senator CURTIS. Who first asked you to go to Muzquiz?

Mr. CHAPMAN. I do not know.

Senator CURTIS. Which one of your party first suggested that you come to Muzquiz from Eagle Pass?

Mr. CHAPMAN. I do not remember that anybody suggested it.

Senator CURTIS. Did you hear of Mr. Bentley being in jail?

Mr. CHAPMAN. I heard he was under arrest.

Senator CURTIS. How did you hear that?

Mr. CHAPMAN. I do not remember.

Senator CURTIS. Did you get any information about it from anybody?

Mr. CHAPMAN. Not except as it was given out at Eagle Pass.

Senator CURTIS. Did you not hear from Brown about it?

Mr. CHAPMAN. I do not think I did.

Senator CURTIS. What connection had you with Outcalt?

Mr. CHAPMAN. None whatever.

Senator CURTIS. You were interested in his efforts down there, were you not?

Mr. CHAPMAN. No, sir.

Senator CURTIS. Were you advised at any time as to his condition or circumstances, or what he was doing, or what his prospects were?

Mr. CHAPMAN. No, sir; I was not.

Senator CURTIS. Were you advised at any time as to the prospects of your party getting deeds down there?

Mr. CHAPMAN. Advised by whom? I do not understand the question.

Senator CURTIS. Were you advised by any of your partners?

Mr. CHAPMAN. No, sir.

Senator CURTIS. What did this dispatch mean: "Good prospects to-morrow. Indians ready to come. Defendant holds them as witnesses. Outcalt's case looks good." What does that mean? You received that dispatch from Brown, did you not?

Mr. CHAPMAN. I do not remember.

Senator CURTIS. Will you say to this committee that you did not?

Mr. CHAPMAN. I will say that I do not remember it.

Senator CURTIS. Will you say to this committee that you did not receive this dispatch dated on the 29th day of June, 1906?

Mr. CHAPMAN. I will not.

Senator CURTIS. At any rate you did receive it?

Mr. CHAPMAN. I do not remember.

Senator CURTIS. Do you remember sending word to Brown a few days afterwards to come over to Eagle Pass?

Mr. CHAPMAN. There were several times that we had communications with each other, but with regard to the exact wording of it I do not remember.

Senator CURTIS. Did you ask him to come to Eagle Pass at any time?

Mr. CHAPMAN. I think so.

Senator CURTIS. Did you have a roll with you at Eagle Pass?

Mr. CHAPMAN. I did.

Senator CURTIS. Then why did you wire Brown to come on the first train and bring a roll, "no roll here?"

Mr. CHAPMAN. I presume he had a roll with him. I did not have it all the time.

Senator CURTIS. You did not have a roll as you said minute ago?

Mr. CHAPMAN. I had it part of the time at Eagle Pass.

Senator CURTIS. That was when you first went down there?

Mr. CHAPMAN. In this individual case it might have been that he had the roll with him. We had a roll of the Kickapoos with us down there. I do not remember whether he had it all the time at Eagle Pass or whether he had it part of the time.

Senator CURTIS. You did a good deal of business with Conine, did you not?

Mr. CHAPMAN. Yes, sir; I did some business with him.

Senator CURTIS. You were in Muzquiz on the 18th of July, were you not?

Mr. CHAPMAN. I do not remember the exact date. I was there about that time.

Senator CURTIS. That was about four or five days before the Indians were taken to Guajardo's house?

Mr. CHAPMAN. I was there about that time.

Senator CURTIS. Did you pay the Indians any cash there at that time?

Mr. CHAPMAN. I did not.

Senator CURTIS. Did you at any time during that week?

Mr. CHAPMAN. Not to my recollection.

Senator CURTIS. Well, you would have known it if you had, would you not?

Mr. CHAPMAN. I presume so.

Senator CURTIS. Will you tell the committee what you did with that \$2,000 Mexican that you got from the First National Bank on the 18th day of July, 1906?

Mr. CHAPMAN. I used it in various ways paying expenses.

Senator CURTIS. How much did you pay to the Mexican officials before you got them to make that affidavit?

Mr. CHAPMAN. Not one penny.

Senator CURTIS. Did you pay them anything?

Mr. CHAPMAN. Not one penny.

Senator CURTIS. Did you pay them for their services?

Mr. CHAPMAN. No, sir.

Senator CURTIS. How much did you pay them afterwards?

Mr. CHAPMAN. I paid the expense account.

Senator CURTIS. Do you know how they were brought over there?

Mr. CHAPMAN. They came there at my request—that is, the judge and the clerk did.

Senator CURTIS. At your request?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Were they not wired to come there by some one, and not by you?

Mr. CHAPMAN. I say it was at my request.

Senator CURTIS. Were they not wired to come there on investigation business?

Mr. CHAPMAN. They may have been, but not at the time I refer to.

Senator CURTIS. I say, at the time you referred to, or about the time you claim you got those deeds?

Mr. CHAPMAN. No, sir.

Senator CURTIS. There was a little delay, was there not, in that transaction?

Mr. CHAPMAN. No, sir.

Senator CURTIS. Was it not held up for two or three days?

Mr. CHAPMAN. No, sir.

Senator CURTIS. How many days were the Indians at Guajardo's house in July while you were there?

Mr. CHAPMAN. Twice.

Senator CURTIS. How many days apart?

Mr. CHAPMAN. Sunday intervened, I think.

Senator CURTIS. You think Sunday intervened?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Were you at the camp when they were taken to Guajardo's house?

Mr. CHAPMAN. No, sir.

Senator CURTIS. You know Mr. Benson pretty well, do you not?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. After you say he said he had put in all the money he wanted to carry, did you have any understanding with him whereby he would put some more money in?

Mr. CHAPMAN. I do not remember the details of that proposition.

Senator CURTIS. Well, did you have any understanding with him? Did he agree to put any more money in?

Mr. CHAPMAN. I do not remember.

Senator CURTIS. Do you not remember that he agreed to put \$5,000 more in that transaction?

Mr. CHAPMAN. He might have.

Senator CURTIS. And did you not so wire to Brown?

Mr. CHAPMAN. I may have done so.

Senator CURTIS. Will you state to this committee whether you did or did not?

Mr. CHAPMAN. I do not remember the exact time.

Senator CURTIS. You do not remember the \$5,000 transaction, do you?

Mr. CHAPMAN. He sent me all the money on my drafts every time.

Senator CURTIS. Tell us just to what use you put that \$2,000 in Mexican that you got down in the city of Muzquiz?

Mr. CHAPMAN. I can not do it.

Senator CURTIS. Just guess at it then?

Mr. CHAPMAN. I do not think a guess is necessary.

Senator CURTIS. Just tell the committee as near as you can.

Mr. CHAPMAN. It was paid on the expense account, and some of it was given to Grimes and Brown and some to Conine.

Senator CURTIS. They all had money, did they not?

Mr. CHAPMAN. I furnished money for all of them out of that.

Senator CURTIS. Do you remember anything about allottee No. 247?

Mr. CHAPMAN. Nothing specific.



Senator CURTIS. Do you know anything about allottee No. 248?

Mr. CHAPMAN. Not specifically.

Senator CURTIS. Why did you go back to Muzquiz in August from Shawnee?

Mr. CHAPMAN. I went back to see if I could get some of the land and get a certified copy of the court record.

Senator CURTIS. Did you get them?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. You remember wiring Mr. Conine that you would be down there, do you?

Mr. CHAPMAN. I do not remember. I wired him several times; probably I did.

Senator CURTIS. Did you have any special agreement or understanding as to wires between yourself and Conine, or yourself and Brown, or yourself and Grimes?

Mr. CHAPMAN. I did not.

Senator CURTIS. When was the last time you were down there?

Mr. CHAPMAN. In August, I think, if I remember correctly.

Senator CURTIS. You had use for some money down there in August in Muzquiz, did you not?

Mr. CHAPMAN. Yes, sir; I had.

Senator CURTIS. You had trouble in getting an interpreter in August, did you not?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Whom did you try to get?

Mr. CHAPMAN. I tried to get Mack Johnson and he was not there, and Willie Murdock, I believe it was; he had gone hunting.

Senator CURTIS. Whom else did you try to get?

Mr. CHAPMAN. I asked that one be sent over here, and they sent Joe Whipple.

Senator CURTIS. Did you tell them whom to send over here?

Mr. CHAPMAN. I did not.

Senator CURTIS. Did you wire anything to Brown about sending Grimes down there in August?

Mr. CHAPMAN. I may have; but I do not remember.

Senator CURTIS. You could not get down because your family was sick?

Mr. CHAPMAN. In August?

Senator CURTIS. Yes.

Mr. CHAPMAN. I was there in August.

Senator CURTIS. What time in August were you there?

Mr. CHAPMAN. I think about the 24th. That is my recollection.

Senator CURTIS. Was your family sick?

Mr. CHAPMAN. I do not remember whether my family was sick at the time. I think I came home one time because my boy was sick.

Senator CURTIS. Now, the second time you were down there, who was interested in the deal?

Mr. CHAPMAN. Al. Brown and myself and Grimes.

Senator CURTIS. Just you three?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Did Garrett have anything to do with it?

Mr. CHAPMAN. No, sir.

Senator CURTIS. What was the understanding between the three of you the last time you were down there, and who was to furnish the money?

Mr. CHAPMAN. Al. Brown and myself borrowed the money.

Senator CURTIS. Where did you borrow the money?

Mr. CHAPMAN. From Al. Brown's father.

Senator CURTIS. How much did you borrow?

Mr. CHAPMAN. We borrowed \$3,200, I believe.

Senator CURTIS. You had to use \$500 of that on expense account, did you not, at Muzquiz, soon after you arrived?

Mr. CHAPMAN. Yes, sir; part of it.

Senator CURTIS. You used \$500 Mexican, did you not?

Mr. CHAPMAN. No, sir.

Senator CURTIS. You sent for it to pay expenses?

Mr. CHAPMAN. I brought part of it out with me.

Senator CURTIS. And you sent to the bank to get some more, did you not?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Now, a little later on there were depositions taken. First, what was your agreement about this land you got on the second deal?

Mr. CHAPMAN. The agreement with Grimes was that I was to deed him two of the pieces and he was to pay the cost of it.

Senator CURTIS. And Brown and you furnished the money?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Who did the work down there?

Mr. CHAPMAN. Grimes and I, together.

Senator CURTIS. Was Grimes down there at that time?

Mr. CHAPMAN. No, sir.

Senator CURTIS. How did you happen to take Grimes down with you the last time?

Mr. CHAPMAN. He came down after I was there.

Senator CURTIS. You did not want him to come, did you?

Mr. CHAPMAN. I was not particular about his coming.

Senator CURTIS. Now, you did not want him to come, did you? Let us be fair about it.

Mr. CHAPMAN. I did not care about him coming.

Senator CURTIS. Did you not wire to Brown that you could not use him?

Mr. CHAPMAN. Yes, sir; I think so.

Senator CURTIS. But he was sent anyhow?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Why did you not think you could use him down there?

Mr. CHAPMAN. Well, he had not worked with me, as I preferred it should be done, in the distribution and settlement of affairs after we came there.

Senator CURTIS. Was there any agreement in writing this last time between Grimes and Brown and yourself?

Mr. CHAPMAN. There was no agreement at all on that proposition. We were to take two pieces of land and pay for it, which we did.

Senator CURTIS. How many pieces was Brown to have?

Mr. CHAPMAN. None at all. He was to take one share.

Senator CURTIS. Who has the deed?

Mr. CHAPMAN. It was to be equally divided between Brown and myself.

Senator CURTIS. In both your names?

Mr. CHAPMAN. That is my recollection about it.

Senator CURTIS. You have not sold or disposed of it, have you?

Mr. CHAPMAN. No, sir.

Senator CURTIS. Were the deeds taken direct to Grimes, or made to Grimes or you?

Mr. CHAPMAN. They were made to me, and I made them to Grimes.

Senator CURTIS. Was there any other consideration except this understanding between you?

Mr. CHAPMAN. That is all.

Senator CURTIS. How much money did Grimes put into that transaction?

Mr. CHAPMAN. I do not remember the exact amount.

Senator CURTIS. Did he put any in?

Mr. CHAPMAN. Yes, sir; he paid me for two pieces of land. He paid for the two pieces he got.

Senator CURTIS. A little later on you had some depositions taken down there, did you not?

Mr. CHAPMAN. Mr. Benson did; yes, sir.

Senator CURTIS. Well, you hold an interest, do you not?

Mr. CHAPMAN. We did, rather; yes, sir.

Senator CURTIS. Who represented you down there?

Mr. CHAPMAN. Mr. Joe Adams was the attorney.

Senator CURTIS. What other gentlemen?

Mr. CHAPMAN. Conine was interpreter.

Senator CURTIS. That is Dr. R. C. Conine?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. What were you paying him at that time?

Mr. CHAPMAN. I was not paying him anything at that time. The arrangement was made by Mr. Adams and the other people after he went down.

Senator CURTIS. You had to send him money?

Mr. CHAPMAN. I sent them money.

Senator CURTIS. How much did you send?

Mr. CHAPMAN. \$500.

Senator CURTIS. When?

Mr. CHAPMAN. I do not remember the date.

Senator CURTIS. It is not usual to pay \$500 to get a few depositions, is it?

Mr. CHAPMAN. No, sir.

Senator CURTIS. He always had some money, did he not, besides?

Mr. CHAPMAN. I understood he had \$50 when he left here.

Senator CURTIS. He had enough to pay ordinary expenses, did he?

Mr. CHAPMAN. He had enough to get there.

Senator CURTIS. Who was with him?

Mr. CHAPMAN. Interpreter.

Senator CURTIS. Who else was with him? Any of the parties?

Mr. CHAPMAN. Not that I know of.

Senator CURTIS. Was Mr. Grimes there?

Mr. CHAPMAN. Not that I know of.

Senator CURTIS. You do not know of anybody being there?

Mr. CHAPMAN. No, sir.

Senator CURTIS. How did you come to send Doctor Conine some money? Why did you not send it to your lawyer?

Mr. CHAPMAN. He wired for the money from Eagle Pass.

Senator CURTIS. What did he wire?

Mr. CHAPMAN. My recollection is he wired that they needed some money.

Senator CURTIS. Is that the way he said it? Just that they needed \$500?

Mr. CHAPMAN. Yes, sir; that is my recollection of it.

Senator CURTIS. Did he not make it a little stronger than that?

Mr. CHAPMAN. He may have; yes, sir.

Senator CURTIS. Did he not say: "Absolutely necessary. Have First National Eagle Pass honor my check \$500 to secure depositions. Have bank notify Monclova bank. Will do our best. Answer quick?"

Mr. CHAPMAN. I do not remember; it may have been in that language.

Senator CURTIS. Is that not the exact dispatch he sent you?

Mr. CHAPMAN. I do not remember.

Senator CURTIS. You have a bad memory about dispatches, have you not?

Mr. CHAPMAN. Yes, sir; when they are not given in exact words and no signature to them.

Senator CURTIS. You do not remember those things. Do you not know it was an unusual thing to use \$500 before you could get depositions out of people?

Mr. CHAPMAN. I do not know anything about it. I do not know anything about the details of it.

Senator CURTIS. Who sent that \$500?

Mr. CHAPMAN. My recollection is that Al. Brown sent it.

Senator CURTIS. You joined in the dispatch, did you not?

Mr. CHAPMAN. I think so.

Senator CURTIS. What bank did you send it through?

Mr. CHAPMAN. I think through the Union Savings Bank.

Senator CURTIS. You mean the bank down here on the corner?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. You had them wire?

Mr. CHAPMAN. That is my recollection.

Senator CURTIS. You remember this day of going down to take testimony, do you not?

Mr. CHAPMAN. I heard they were there.

Senator CURTIS. You heard they were going before they went—before they got there?

Mr. CHAPMAN. No, sir; I did not, until they started there. I did not know anything about it until then.

Senator CURTIS. Who informed you about it?

Mr. CHAPMAN. I do not remember. I think Mr. Benson or one of the other boys here. I do not remember now.

Senator CURTIS. Did you get any information from San Antonio?

Mr. CHAPMAN. I do not remember of any.

Senator CURTIS. Did you not hear from Dr. R. C. Conine about it?

Mr. CHAPMAN. I heard from him, I think, after he was summoned to Eagle Pass.

Senator CURTIS. Did you give him any instructions?

Mr. CHAPMAN. He told me, if my recollection serves me, that they were there, and I think he asked for some instructions?

Senator CURTIS. What instructions did you give him?

Mr. CHAPMAN. I think the instructions I gave him were to use his own judgment—to use his best judgment and follow the depositions.

Senator CURTIS. Why was it necessary for you to tell him to follow depositions? There was nothing for him to do but tell the truth, was there?

Mr. CHAPMAN. No, sir.

Senator CURTIS. And you knew that all the time?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Then why did you wire him to follow depositions?

Mr. CHAPMAN. Because he asked me for information.

Senator CURTIS. And because you knew that his testimony had to accord with those depositions?

Mr. CHAPMAN. No, sir.

Senator CURTIS. Were you at Guajardo's house when these Indians signed those deeds?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Did you see that dead woman sign her name?

Mr. CHAPMAN. No, sir.

Senator CURTIS. You took a deed from her, did you not?

Mr. CHAPMAN. Not from a dead woman.

Senator CURTIS. And you brought that on here and filed it for record, after you examined the records, did you not?

Mr. CHAPMAN. No, sir.

Senator CURTIS. Do you not pretend to have a deed from a dead woman?

Mr. CHAPMAN. No, sir.

Senator CURTIS. Do you deny to this committee that you had a deed from a dead woman?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Do you deny to this committee that you claim to have a deed from a dead woman who had been dead for several years?

Mr. CHAPMAN. I can explain that.

Senator CURTIS. I want to know if you did not have what purported to be a deed from a woman who had been dead for seven years.

Mr. CHAPMAN. We had a deed. I understand that the woman has been dead for seven years.

Senator CURTIS. And you have a certificate that that woman appeared and signed it before these Mexicans' witnesses?

Mr. CHAPMAN. Signed by the judge there; yes, sir.

Senator CURTIS. Did you see that poor, unfortunate Indian, Paw-kaw-kah—that imbecile?

Mr. CHAPMAN. I did not see any imbecile.

Senator CURTIS. You did not see any imbecile?

Mr. CHAPMAN. No, sir.

Senator CURTIS. Then you did not see Paw-kaw-kah, did you?

Mr. CHAPMAN. No, sir.

Senator CURTIS. Did you see a deaf and dumb Indian there?

Mr. CHAPMAN. No, sir; I did not. If he was deaf and dumb I do not know anything about it.

Senator CURTIS. Did you see a deaf Indian there?

Mr. CHAPMAN. Not to my knowledge.

Senator CURTIS. Did you see a dumb Indian there?

Mr. CHAPMAN. Not to my knowledge.

Senator CURTIS. This getting \$500 down there was pretty important, was it not, when you were taking those depositions?

Mr. CHAPMAN. I presume so, or they would not have wired for it.

Senator CURTIS. It was so important that it brought a dispatch from Garrett to you, did it not?

Mr. CHAPMAN. I do not remember.

Senator CURTIS. You had to send two or three telegrams about it, did you not?

Mr. CHAPMAN. I do not remember, now.

Senator CURTIS. How long were you taking those depositions?

Mr. CHAPMAN. I was not there.

Senator CURTIS. Have you any idea about it?

Mr. CHAPMAN. I have not. The attorney who was there, I presume, could give you the information.

Senator CURTIS. Perhaps you did not need it. Is it not true that you took deeds from Indians down there for their land in Oklahoma and paid them about one-fifth or one-sixth of their value?

Mr. CHAPMAN. There might be some pieces of that character.

Senator CURTIS. Now, between man and man, do you think that an honorable transaction?

Mr. CHAPMAN. I bought land at a specific price.

Senator CURTIS. You bought land from poor, helpless Indians at one-sixth of its value, did you not?

Mr. CHAPMAN. Not to my knowledge.

Senator CURTIS. Whom did you use, then?

Mr. CHAPMAN. Whom did I use.

Senator CURTIS. Yes; who was your tool to get the land for you? Did you not get this fellow Grimes.

Mr. CHAPMAN. I had no tool.

Senator CURTIS. Grimes was there, was he?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Doctor Conine was there, was he not?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. He had a pistol on his hip all the time, did he not?

Mr. CHAPMAN. Not all the time; sometimes he did.

Senator CURTIS. When he was around where the Indians were he did, did he not?

Mr. CHAPMAN. No, sir; not all the time.

Senator CURTIS. Did you ever see him without a pistol in Mexico?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Do you not know he swore before this committee that he never was in Mexico without a pistol?

Mr. CHAPMAN. No, sir.

Senator CURTIS. Well, he did. Did you have any guns?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Did you carry them with you?

Mr. CHAPMAN. No, sir.

Senator CURTIS. Where did you keep them?

Mr. CHAPMAN. In my grip.

Senator CURTIS. What good were they in your grip?

Mr. CHAPMAN. I was where my grip was most of the time.

Senator CURTIS. Did you have your grip in your hand?

Mr. CHAPMAN. No, sir.

Senator CURTIS. Then when you went out, did you have a pistol with you?

Mr. CHAPMAN. I may have sometimes, but very seldom.

Senator CURTIS. You knew Pakotah was in prison, did you not?

Mr. CHAPMAN. No, sir.

Senator CURTIS. You do not know that Pakotah was taken up to Guajardo's house from the prison?

Mr. CHAPMAN. No, sir; I do not.

Senator CURTIS. How many pieces of land have you in your own name as a result of your investments down there?

Mr. CHAPMAN. I think I have half interest in three pieces and a fraction in another piece.

Senator CURTIS. Then how many pieces have you in conjunction with Mr. Benson.

Mr. CHAPMAN. I do not remember the exact number.

Senator CURTIS. Were there any cipher dispatches passing between you and Brown, or between you and Conine, or between you and Benson?

Mr. CHAPMAN. No, sir.

Senator CURTIS. How many wires did you send Benson from down there?

Mr. CHAPMAN. I do not know.

Senator CURTIS. Well, can you not guess? Have you not some idea about it?

Mr. CHAPMAN. No, sir.

Senator CURTIS. Did you send him as many as one?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Two?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Three?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Four?

Mr. CHAPMAN. I presume I sent that many.

Senator CURTIS. You sent six or seven, did you not?

Mr. CHAPMAN. I sent several wires; I do not remember the number.

Senator CURTIS. We asked you to produce them this morning, and you had but two. You know you sent more than two, do you not?

Mr. CHAPMAN. I may have sent more than two; yes, sir.

Senator CURTIS. You brought some Indians here to Eagle Pass to get some deeds from them, did you not?

Mr. CHAPMAN. I came with some of them on the train.

Senator CURTIS. Why did you put them off at Little River?

Mr. CHAPMAN. Because I was asked to put them off at Little River.

Senator CURTIS. Who asked you to put them off?

Mr. CHAPMAN. The boys that came up.

Senator CURTIS. What boys?

Mr. CHAPMAN. Grimes and those fellows.

Senator CURTIS. Who else was with you?

Mr. CHAPMAN. I am not positive. I think Brown was with them, and I think also Mr. Cal. Moore.

Senator CURTIS. And you put them off at Little River?

Mr. CHAPMAN. Yes, sir; some got off there.

Senator CURTIS. How many miles is that out of Eagle Pass?

Mr. CHAPMAN. Five or 6 miles, I think.

Senator CURTIS. Did you pay any Indian or hand any Indian any money for any land that was deeded or for which you claimed to have received the deed in Mexico?

Mr. CHAPMAN. I handed no cash, but checks.

Senator CURTIS. How many did you hand checks?

Mr. CHAPMAN. Those from whom I bought the land.

Senator CURTIS. Where; in Mexico?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Did you hand the checks to the Indians?

Mr. CHAPMAN. Yes, sir; they were given to the Indians and by the Indians to Doctor Conine.

Senator CURTIS. Are you sure about that?

Mr. CHAPMAN. They were checks all made out according to the deeds, and when they signed them they were handed over.

Senator CURTIS. Whom did you give the dead woman's check to?

Mr. CHAPMAN. It was given to an Indian whose wife was dead and who had a second wife.

Senator CURTIS. It was given to the Indian?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Did you see those checks handed to the Indians?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Did you give those Indians their money on those checks immediately?

Mr. CHAPMAN. Not until I knew whether they had given the proper deeds, or in accordance with the agreement.

Senator CURTIS. Whom did you have that agreement with; the Indians?

Mr. CHAPMAN. Right there, in Guajardo's house in open court.

Senator CURTIS. Did he have an open court there that day?

Mr. CHAPMAN. The judge was sitting in court; yes, sir.

Senator CURTIS. What judge?

Mr. CHAPMAN. Llano, I believe it was.

Senator CURTIS. Was Guajardo there?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. Who else?

Mr. CHAPMAN. I remember of other persons being there.

Senator CURTIS. Can you name them?

Mr. CHAPMAN. I was there, and Grimes, and I think Cal. Moore part of the time, and Conine and Guajardo and Lobo.

Senator CURTIS. Was Outcalt there?

Mr. CHAPMAN. No, sir.

Senator CURTIS. He was not there at all?

Mr. CHAPMAN. He was not there while the deeds were being taken.

Senator CURTIS. What day was he there?

Mr. CHAPMAN. I do not know.

Senator CURTIS. How many times were you up to see Mr. Guajardo?

Mr. CHAPMAN. I was at his house, I think, three times.

Senator CURTIS. When was the first time?

Mr. CHAPMAN. The day the Indians were there.

Senator CURTIS. When was the second time?

Mr. CHAPMAN. I think I was there again.



Senator CURTIS. When was the next time?

Mr. CHAPMAN. I think I was there again.

Senator CURTIS. What was that for?

Mr. CHAPMAN. We were talking about some matters and he asked me to come back down to the country, if I saw fit. It was merely a social visit.

Mr. EMBRY. Here is a deed which purports to be from Ah-che-che to W. L. Chapman. It appears to be dated July 28, 1906. On the same day, July 28, 1906, is a statement of another deed from W. L. Chapman and wife to J. H. Myers, and on the same date a statement of a mortgage from J. H. Myers to C. J. Benson, and on the same date a deed from J. H. Myers to C. J. Benson. Why were those instruments made at that time and in that manner?

Mr. CHAPMAN. They were made as an accommodation. Benson assisted to float the paper through loan companies and it was done for accommodation purposes.

Mr. EMBRY. J. H. Myers had no interest in it?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. J. H. Myers has no interest in any of these deeds?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. He has not any equity at all in any of these lands, has he?

Mr. CHAPMAN. None whatever.

Mr. EMBRY. Was this one of the deeds that you gave the checks to the Indians for, and the Indians gave them to Conine?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. And this is one of the deeds with respect to which they had an agreement that the checks were not to be paid until you came home and ascertained whether a prior deed had been recorded?

Mr. CHAPMAN. Not necessarily home. It was to ascertain whether there was a prior deed on record.

Mr. EMBRY. This was one where the check was not to be paid until you ascertained whether there was a prior deed on the land?

Mr. CHAPMAN. That is my recollection.

Mr. EMBRY. So Conine would hold these checks while you were doing that?

Mr. CHAPMAN. Yes, sir; they were put in the bank and certified to by the First National Bank of Eagle Pass.

Mr. EMBRY. How was the money to be paid?

Mr. CHAPMAN. My first instructions to the bank were that the money should be shipped according to agreement, and when we found that out to ship it by express to the Indians direct.

Mr. EMBRY. That is, the First National Bank of Eagle Pass?

Mr. CHAPMAN. Yes, sir; to ship the currency to the Indians because they had requested that the money be sent to them.

Mr. EMBRY. At what place?

Mr. CHAPMAN. At Muzzquiz.

Mr. EMBRY. What were your later instructions, if any?

Mr. CHAPMAN. I understand after that that they had said something about assisting to purchasing some land, and requested that it be left in the bank; but as to that I do not know.

Mr. EMBRY. Who advised you of that fact?

Mr. CHAPMAN. The First National Bank.

Mr. EMBRY. You did not receive such information from any of those Indians that checks had been left with Conine?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. Where was Conine when he received those checks?

Mr. CHAPMAN. At Guajardo's house.

Mr. EMBRY. In Mexico?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. Was he to take those checks to the First National Bank at Eagle Pass?

Mr. CHAPMAN. He and I would go together, and I was to hold the checks and I was to take the deeds, and if the deeds were good the checks were to be certified to.

Mr. EMBRY. Did you go together?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. In what way did you ascertain there had been prior deeds recorded on this land?

Mr. CHAPMAN. I think I came straight home on the first train.

Mr. EMBRY. When you arrived at Eagle Pass, what did you and Conine do with the checks and with the deeds?

Mr. CHAPMAN. The checks were turned into the bank, and I receipted for them to be held subject to this proceeding.

Mr. EMBRY. Had the Indians indorsed the checks to Conine?

Mr. CHAPMAN. They had indorsed them in Muzquiz, Mexico.

Mr. EMBRY. To Conine?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. Conine was in your employ in the purchase of this land at the time the checks were indorsed?

Mr. CHAPMAN. He was not in our employ except as interpreter.

Mr. EMBRY. How much were you to pay him at that time?

Mr. CHAPMAN. \$150 a month and expenses.

Mr. EMBRY. He was to act as your Mexican interpreter, was he?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. He did more than that, did he not? Did he not go out and solicit Indians to execute deeds?

Mr. CHAPMAN. He may have asked them if they wanted to sell land, but never in my presence.

Mr. EMBRY. Was not that part of the understanding, that he interpret and also use his influence to induce the Indians to make deeds?

Mr. CHAPMAN. No, sir; not with me. Brown employed him before I was there. I do not know what agreement they had.

Mr. EMBRY. He was at that time your interpreter receiving \$150 a month, and was in your employ, was he not?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. At the time you delivered those checks to the Indians and the Indians indorsed them and delivered them to Conine?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. And that was the agreement in open court that they should be delivered in open court, and that the Indian was not to receive the checks but was to turn them over to Conine, and Conine was to take them to Eagle Pass?

Mr. CHAPMAN. The instructions were that the deeds were not to be delivered to him until the checks were certified to.

Mr. EMBRY. Then they were to be taken to Eagle Pass and entered to whose credit?

Mr. CHAPMAN. The Indians, and certified to.

Mr. EMBRY. And left there in escrow?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. Were they indorsed at that time by Conine's order?

Mr. CHAPMAN. Not to his order. They were left with the bank with receipts from the bank to be paid to the Indians.

Mr. EMBRY. Were they indorsed by the Indian in blank?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. Have you a copy of that receipt?

Mr. CHAPMAN. I think the attorney has it. That is my recollection about it.

Mr. EMBRY. Now, how long was it after you arrived at Eagle Pass before you ascertained whether there had been prior deeds recorded?

Mr. CHAPMAN. My recollection is, as I told you before, that I came home on the first train.

Mr. EMBRY. That would consume about how much time until you were able to notify them that the land was clear?

Mr. CHAPMAN. I suppose a couple or three days.

Mr. EMBRY. You did notify them?

Mr. CHAPMAN. That is my recollection; yes, sir.

Mr. EMBRY. When did you next return to Mexico?

Mr. CHAPMAN. I think I returned again in August.

Mr. EMBRY. What time in August?

Mr. CHAPMAN. I do not remember the exact date, somewhere between the 15th and 24th, I think; I do not know the exact date.

Mr. EMBRY. When you got back there did you see any of those checks; did you examine to see if any of those checks were still in the bank at Eagle Pass?

Mr. CHAPMAN. They had been given to the Indians and the money appropriated as instructed.

Senator CURTIS. How much money had been paid to the Indians?

Mr. CHAPMAN. By the bank?

Senator CURTIS. Yes.

Mr. CHAPMAN. I asked if the money had been sent to the Indians or placed to their credit, and he said it had all been credited.

Senator CURTIS. Did you not say a minute ago that it had been paid to the Indians. Do you not know those Indians have not drawn that money yet?

Mr. CHAPMAN. No, sir; I do not.

Senator CURTIS. You do not know anything about that, do you?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. Where were you when you stated that you learned that the Indians had decided to buy some land in Mexico?

Mr. CHAPMAN. I was here.

Mr. EMBRY. Was that the same time that you referred to in your testimony here, your coming home to see if this land was clear?

Mr. CHAPMAN. It was some time after that.

Mr. EMBRY. How long afterwards?

Mr. CHAPMAN. I do not remember the exact time.

Mr. EMBRY. Well, approximately?

Mr. CHAPMAN. Perhaps two or three weeks.

Mr. EMBRY. You did not learn that they wanted to buy land in Mexico until after you had returned to Mexico once. Did you stay here at home after you came home to see about the land as to whether

it was clear? Did you stay here until you learned that they wanted to buy land in Mexico?

Mr. CHAPMAN. I stayed here until I returned to Mexico again.

Mr. EMBRY. Did you return to Mexico again before you were advised that the Indians wanted to buy land in Mexico?

Mr. CHAPMAN. I am not positive.

Mr. EMBRY. Do you know where you were when you gave directions to the bank with reference to the Indians' project of buying land in Mexico?

Mr. CHAPMAN. I never gave any such instructions.

Mr. EMBRY. Did you give any other instructions to the bank as to the delivery of those checks and the first instructions given?

Mr. CHAPMAN. My recollection is I wired them from here.

Mr. EMBRY. To what effect?

Mr. CHAPMAN. To ship the money to the Indians as per agreement.

Mr. EMBRY. There was no change in those instructions to the bank?

Mr. CHAPMAN. No, sir; not from me.

Senator CURTIS. Not at all?

Mr. CHAPMAN. I was down there and he asked that I O. K. a proposition to hold him blameless, and I told him I would do that if the money was all intact for the Indians and had not been used for any other person.

Mr. EMBRY. When was that?

Mr. CHAPMAN. I do not remember the date.

Mr. EMBRY. Well, as nearly as you can state?

Mr. CHAPMAN. I would not be safe in suggesting a date. It was between July 23 and the last part of August.

Mr. EMBRY. What change of direction was it that he wanted you to O. K. as to the disposition of this money?

Mr. CHAPMAN. If my memory serves me right, he said Conine had discussed the matter with the Indians. They spoke of it down there at the time the land was sold that they preferred using the money down there and have a home there. I remarked at the time that that had nothing to do with me, and I also remarked that Mr. Conine had instructed me to buy some land and the Indians preferred that the money be held in the bank.

Mr. EMBRY. That was Mr. Schmidt of the First National Bank of Eagle Pass?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. Did Conine tell you that?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. Did any of the Indians tell you of the change of purpose?

Mr. CHAPMAN. No, sir; Mr. Schmidt notified me that Conine had done that and he did not ship the money.

Mr. EMBRY. Did you receive any other instructions than that from Schmidt, which you mentioned, as to the change of purpose?

Mr. CHAPMAN. I did not.

Mr. EMBRY. Then what did you tell Schmidt when he advised you, as stated?

Mr. CHAPMAN. I told Mr. Schmidt when the money was all intact as left there—the full amount for the Indians—that as far as I was concerned I would not hold him culpable for not shipping it.

Mr. EMBRY. Did he say all the money was there at that time?

Mr. CHAPMAN. He did.

Mr. EMBRY. And none of it had been paid?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. What further instructions did you give with respect to this money?

Mr. CHAPMAN. None.

Mr. EMBRY. Did you participate in the purchase of this land for them in Mexico?

Mr. CHAPMAN. In no way.

Mr. EMBRY. Do you know who bought that land for them?

Mr. CHAPMAN. I do not.

Mr. EMBRY. Were you advised that Conine acted in any capacity in the purchase of that land?

Mr. CHAPMAN. I heard some intimation of that fact, but nothing direct from him.

Mr. EMBRY. When did you first have this intimation?

Mr. CHAPMAN. I do not remember the exact date—some time later.

Mr. EMBRY. Was it while you were in Mexico on the trip last mentioned?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. From whom did you have this intimation?

Mr. CHAPMAN. I do not remember: it was either Brown or some of the gentlemen connected with it that had the information and imparted it to me.

Mr. EMBRY. I understand at the time these checks were left in the bank at Eagle Pass that you and Grimes and Brown and Benson were cooperating together?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. That Conine was employed with you four as interpreter, as stated?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. Now, at the time you O. K.'ed the change—that is, that Schmidt might pay the money out to Conine or allow it to go for this land in Mexico—you four were still operating together, were you?

Mr. CHAPMAN. I never O. K.'ed any such change.

Mr. EMBRY. State the change of purpose now, as you stated awhile ago.

Mr. CHAPMAN. We had no change of purpose, except he asked me to relieve him from the responsibility of not carrying out my positive instructions.

Mr. EMBRY. Had they paid the money out at that time?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. You told him he might pay it out, did you not?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. For the purchase of this land?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. Did he say that that was the purpose for which he wanted to pay it out—the purchase of this land?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. Did he tell you that was what he thought Conine contemplated?

Mr. CHAPMAN. He made no such statement.

Mr. EMBRY. Did he talk about Conine's purpose to purchase the land at that time?

Mr. CHAPMAN. He did not. He never mentioned it to me.

Mr. EMBRY. Have you seen the deeds to that land that they said they purchased for the Indians?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. Were you ever consulted about it?

Mr. CHAPMAN. Never.

Mr. EMBRY. Do you know what disposition was made of that money which you left at Eagle Pass, or these checks?

Mr. CHAPMAN. I do not.

Mr. EMBRY. While you four were operating together—that is, yourself, Benson, Brown, and Grimes—did you secure any further deeds than those you referred to for which you left checks at Eagle Pass?

Mr. CHAPMAN. Not in connection with Benson; no, sir.

Mr. EMBRY. After Benson no longer operated with you and Brown and Grimes, how many deeds did you secure?

Mr. CHAPMAN. I think there were five, perhaps four, deeds with the contracts.

Mr. EMBRY. You say in that operation you have borrowed \$3,200 from Al Brown's father?

Mr. CHAPMAN. Mr. Brown borrowed the money after he came back. Al Brown sent me the money. I wired for him to send me the money.

Mr. EMBRY. How is that money secured?

Mr. CHAPMAN. On an open note.

Mr. EMBRY. There is no mortgage on the land, is there?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. You have not transferred any of this land which you three bought?

Mr. CHAPMAN. Just as I stated to Senator Curtis, out of five pieces Grimes was to pay for two of them, which he did, and Mr. Al Brown and myself owned the other three pieces together.

Mr. EMBRY. Are those lands incumbered?

Mr. CHAPMAN. No, sir; they are not.

Mr. EMBRY. Your original purchasers have those lands at this time, have you?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. And no one else has any equity or claim to them?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. You say there were four tracts for which you took deeds accompanied by contracts. What was the nature of those contracts?

Mr. CHAPMAN. As well as I remember the contracts were to this effect, that they had already given the deed to the land.

Mr. EMBRY. That is, the Indians had already given deeds to him?

Mr. CHAPMAN. The contract does not specify.

Mr. EMBRY. Was that contract in writing?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. Have you got it with you?

Mr. CHAPMAN. I think my attorney has it. I returned all the papers to him.

Mr. EMBRY. You would not object to furnishing a copy of that contract, would you?

Mr. CHAPMAN. Not if it is returned to my attorney.

The CHAIRMAN. Let him furnish a copy. If not, we will have a copy made and return the original to him.

Mr. EMBRY. Has your attorney got it now, here.

Mr. CHAPMAN. I think so. I will furnish it.

Mr. EMBRY. Now, Mr. Chapman, as to those contracts where you have an accompanying contract with the deed, you paid no consideration for the deed, did you?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. It was simply an undertaking that if you recovered the land for the Indian that you then would be entitled to receive it from the Indian for a certain consideration?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. You paid nothing on that?

Mr. CHAPMAN. I paid nothing on that at all.

Mr. EMBRY. How many times did you see Outcalt while you were down there?

Mr. CHAPMAN. It would be impossible for me to tell you.

Mr. EMBRY. What time did you first arrive in Mexico?

Mr. CHAPMAN. I do not remember the exact date.

Mr. EMBRY. Was it prior to the arrival of Thackery and Outcalt?

Mr. CHAPMAN. Yes, sir; they were there.

Mr. EMBRY. Did you talk with Outcalt about your purpose to buy these lands?

Mr. CHAPMAN. I might have in a jocular way. I asked him what he was doing down there, and he told me it was none of my business; and he said, "What are you doing?" I told him in reply practically the same way. We have been warm friends for a long time. It was said in a jocular way.

Mr. EMBRY. Were you at Sabinas when Okemah and certain other Indians were arrested or prevented from boarding a train for Eagle Pass?

Mr. CHAPMAN. I was not.

Mr. EMBRY. Did you go out to this Indian camp with Outcalt?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. Were you at Guajardo's house or he with you at any time?

Mr. CHAPMAN. Not to my recollection. We were not there together.

Mr. EMBRY. But the time you took this first deed you say you were at Guajardo's house on two different days?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. On a Saturday and Monday.

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. Why the necessity of being there on Saturday and Monday?

Mr. CHAPMAN. Because the deeds were taken partly on Saturday and partly on Monday.

Mr. EMBRY. Why were not they all taken Saturday?

Mr. CHAPMAN. We did not have time.

Mr. EMBRY. What time did you begin taking the deeds Saturday?

Mr. CHAPMAN. I do not remember the time now.

Mr. EMBRY. How do you remember that you did not have time to take them on that day?

Mr. CHAPMAN. Simply because the judge said so. It was explained in court to the Indians that it would take a great deal of time to do it; so that it was thoroughly understood.

Mr. EMBRY. Did you make a speech there to the Indians?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. Did you hear anybody make a speech to them?

Mr. CHAPMAN. Mr. Guajardo spoke to them.

Mr. EMBRY. You do not know what he said, do you? Did you hear it interpreted in English?

Mr. CHAPMAN. I do not remember all the speech. I heard part of it. I was not there. I was down in the yard.

Mr. EMBRY. Do you understand Spanish?

Mr. CHAPMAN. I do not.

Mr. EMBRY. Do you know what he said in that speech?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. Did any of the Indians advise you what he had said in that speech?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. How many Indians were there the first day?

Mr. CHAPMAN. I do not know. I expect somewhere between 15 and 25, maybe 30.

Mr. EMBRY. How many deeds did you get that first day?

Mr. CHAPMAN. My recollection is six.

Mr. EMBRY. Were the first deeds taken at Guajardo's house, or taken at Eagle Pass?

Mr. CHAPMAN. The first deeds we took were at Eagle Pass.

Mr. EMBRY. How long after the taking of the deeds at Eagle Pass was it before you were at Guajardo's house?

Mr. CHAPMAN. Quite a while.

Mr. EMBRY. Why did you change your method of taking them at Eagle Pass to Guajardo's house?

Mr. CHAPMAN. Do you want a full explanation?

Mr. EMBRY. I want to know why you changed your method.

Mr. CHAPMAN. Well, some of the gentlemen were in there, Mr. Bentley's men who were with Bentley, and some who were with us, and when the Indians would agree to sell they would bring them to Eagle Pass.

Mr. EMBRY. Who would bring them to Eagle Pass?

Mr. CHAPMAN. The different parties, whomever they agreed to sell to, and on one occasion an Indian and his wife were there and the Indian was asked—Bentley asked the question if I remember correctly—he asked the Indian whom he would go with, and the Indian replied with Mr. Grimes, and some time after, the circumstances turning round, Bentley asked the Indian again, and the Indian said he would go with Mrs. Bentley and do what she said to do. I told Mr. Grimes that being the case, the Indian should go, and that I had nothing more to say about that piece of land at all. It was a controversy between the two parties as to bringing them to Eagle Pass. I got on the train and came home. I got instructions from my attorney as to how to proceed, as to whether those deeds could be taken in Mexico or



not, and I acted under instructions in taking the deeds in Mexico from my attorney.

Mr. EMBRY. Was it the opinion of the authorities down there that those deeds had to be taken in the United States?

Mr. CHAPMAN. Yes sir.

Mr. EMBRY. You had some Oklahoma lawyers down there. Why the necessity to come home to get that information?

Mr. CHAPMAN. I had no lawyer down there.

Mr. EMBRY. The assistant United States attorney was down there, and he has the reputation of being a lawyer.

Mr. CHAPMAN. He was not my friend.

Mr. EMBRY. Did you consult him?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. Did you come home to get that information?

Mr. CHAPMAN. I did.

Mr. EMBRY. Was that the time you came home to see whether the deeds had been recorded or not on the other land?

Mr. CHAPMAN. No, sir; it was prior to that time.

Mr. EMBRY. You say you took those Indians the first time they went from the camp to Guajardo's house. How did they travel?

Mr. CHAPMAN. The first time they went I do not know. I know that some of them went in what they called coaches down there. It is a kind of a carriage or wagon. Some came in a conveyance and some on horseback.

Mr. EMBRY. Were there policemen with them?

Mr. CHAPMAN. Not to my knowledge.

Mr. EMBRY. Were you along with them?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. Where were you?

Mr. CHAPMAN. I was at Muzquiz until they came in.

Mr. EMBRY. Did you see the policemen with them then?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. What was the condition of those Indians as to being drunk or sober?

Mr. CHAPMAN. They were sober.

Mr. EMBRY. Did you have any opportunity of knowing what their condition was?

Mr. CHAPMAN. None whatever; except from observation.

Mr. EMBRY. Was your observation such that it would enable you to know whether or not they were drunk or sober?

Mr. CHAPMAN. No more than it would be to tell whether you are drunk or sober to look at you.

Mr. EMBRY. Were you there the second time the deeds were taken at Guajardo's house?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. Was Outcalt there on that day?

Mr. CHAPMAN. Not to my knowledge. I do not know if he was there or was not there while I was there.

Mr. EMBRY. What length of time were you there?

Mr. CHAPMAN. I think I was there the major portion of the day; in the forenoon and also in the afternoon.

Mr. EMBRY. Were you there the entire time in which depositions were being taken?

Mr. CHAPMAN. I never was in Mexico when any depositions were taken.

Mr. EMBRY. Or made deeds?

Mr. CHAPMAN. No, sir; I was not in the room all the time.

Mr. EMBRY. Where were you?

Mr. CHAPMAN. I was around in the yard; sometimes talking to the Indians, sometimes to Guajardo, and some of the others who were there.

Mr. EMBRY. Please describe Guajardo's house. How is that distinguished from the court-house? Is it in the same building? I mean, where the deeds were taken.

Mr. CHAPMAN. It was in his own home.

Mr. EMBRY. How far is that from the court-house, if it is in another building?

Mr. CHAPMAN. I should judge somewhere between 1 and 2 miles.

Mr. EMBRY. This Judge Llano, who took the acknowledgment—is he the judge that presided at that place—Muzquiz?

Mr. CHAPMAN. He presides anywhere he desires in the State of Coahuila, as I understand it.

Mr. EMBRY. Is he a judge? Where does he usually hold court—at that point or at the court-house?

Mr. CHAPMAN. He holds court anywhere he pleases.

Mr. EMBRY. Is he such a judge that he can hold court at that place?

Mr. CHAPMAN. I expect so.

Mr. EMBRY. Why were not these acknowledgments of deeds taken at the court-house instead of at Guajardo's house?

Mr. CHAPMAN. It was at the request of the judge. It was more private and away from the town.

Mr. EMBRY. It was at the request of the judge?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. Do you mean Judge Llano?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. Were they taken at Guajardo's private room?

Mr. CHAPMAN. They were taken in his private office, the office upstairs.

Mr. EMBRY. What time of the day or night were they taken?

Mr. CHAPMAN. Before noon and after noon.

Mr. EMBRY. That is about 2 miles from the court-house, is it?

Mr. CHAPMAN. Between 1 and 2; I do not know the exact distance.

Mr. EMBRY. Is his house outside of the town?

Mr. CHAPMAN. Just outside of the town.

Mr. EMBRY. Is it in the country?

Mr. CHAPMAN. I judge it to be the country; yes, sir. It is outside of the city limits.

Mr. EMBRY. At what time of the day did you take these Indians to his house?

Mr. CHAPMAN. They came in, I think, about half past 8 or 9 o'clock in the morning.

Mr. EMBRY. Did you take them from the village down through the town?

Mr. CHAPMAN. Some went through the town.

Mr. EMBRY. Were they taken together through the town or did they just straggle through the town separately?

Mr. CHAPMAN. They were in wagons and conveyances.

Mr. EMBRY. When you would take a bunch out to Guajardo's house did you keep all of them there until you had taken these acknowledgements?

Mr. CHAPMAN. I suppose they went where they pleased, in and out around the place wherever they wanted to go. Some went to town, I suppose, when they got ready.

Mr. EMBRY. Were you advised whether it was usual for the court to take men out to his private home to take acknowledgements?

Mr. CHAPMAN. He said he would hold court wherever he desired, and made a record of it.

Mr. EMBRY. These deeds were taken in open court, were they?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. And the judge was present?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. Who were the Indian interpreters the first day?

Mr. CHAPMAN. The Indian interpreter was Mack Johnson; that is my recollection.

Mr. EMBRY. Was there any other Indian interpreter?

Mr. CHAPMAN. Mack was the interpreter. I think the judge, through some of the others there, discussed the situation so it would be distinctly and definitely understood.

Mr. EMBRY. On the second day who were the interpreters?

Mr. CHAPMAN. Mack Johnson.

Mr. EMBRY. Were you at Eagle Pass when the first deeds were taken?

Mr. CHAPMAN. I was.

Mr. EMBRY. Was Thackery there?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. What was he doing?

Mr. CHAPMAN. I do not know what he was doing. He was around the hotel and around the town. I did not ask him what he was doing.

Mr. EMBRY. Was Outcalt over there?

Mr. CHAPMAN. Yes, sir; part of the time; and part of the time he was in Mexico.

Mr. EMBRY. What was Outcalt doing at Eagle Pass?

Mr. CHAPMAN. I do not know, except I understood he was down there on an investigation of some character, but what it was I do not know.

Senator CURTIS. Did he talk to you about going out to camp?

Mr. CHAPMAN. No, sir.

Senator CURTIS. You heard this colored man, Mills, testify, did you?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. He said you left Guajardo's house with those papers under your arm, as you were going to Outcalt's place. Did you do that in company with Outcalt and had you the papers under your arm?

Mr. CHAPMAN. I had a bunch of papers under my arm when we went down to the house.

Senator CURTIS. You had all those papers prepared in advance?

Mr. CHAPMAN. I had them ready for signature.

Senator CURTIS. You had them all prepared; you knew whether they would sign?

Mr. CHAPMAN. I had them on the evening before.

Senator CURTIS. Where did you get them the evening before?

Mr. CHAPMAN. I got them at the camp.

Senator CURTIS. Did you buy any property yourself?

Mr. CHAPMAN. No, sir.

Senator CURTIS. You have handled no Indian deeds to land since 1906?

Mr. CHAPMAN. I have had no Indian deeds——

Senator CURTIS. Have you been honest in your purpose——

Mr. CHAPMAN. Let me answer the first question. Since the Government took upon itself to assign a guardian and appoint Thackery I have had no dealings whatever with any of the Kickapoo Mexican lands.

Senator CURTIS. You have made some effort, have you not, to have some of the guardians discharged?

Mr. CHAPMAN. I have not.

Senator CURTIS. Has Grimes?

Mr. CHAPMAN. Not in connection with me. If he has, it is a personal matter.

Senator CURTIS. When that change was made in your deposit of the money were those second instructions given in writing or were they oral?

Mr. CHAPMAN. I think I gave them in writing. That is my recollection about it.

Senator CURTIS. You spoke about some Indian woman or man who said he would go with Mrs. Bentley and do what she said. Did you see Grimes try to throw Mrs. Bentley out of a car there?

Mr. CHAPMAN. I did not.

Senator CURTIS. You had one Indian brought in there in a sleeper or in the stateroom of a sleeper?

Mr. CHAPMAN. I stated that this Indian was in a sleeper.

Senator CURTIS. Was that the man who was supposed to have been arrested?

Mr. CHAPMAN. If he had been arrested I do not know anything about it.

Senator CURTIS. You do not remember the man that Conine and Grimes had arrested on a charge of murder, and then got his deeds away from him and turned him loose?

Mr. CHAPMAN. I never heard of that.

Senator CURTIS. How about Tony Alexander? Did you have him in your employ down there?

Mr. CHAPMAN. No, sir; Mr. Benson employed him. I had nothing to do with him.

Senator CURTIS. When was he employed by Mr. Benson?

Mr. CHAPMAN. I do not know.

Senator CURTIS. It was about your own business, was it not?

Mr. CHAPMAN. Mr. Benson had charge of it. I was not here. I was in other places.

Senator CURTIS. How many original deeds have you in your possession or in the hands of your lawyer that you could turn over to this committee for inspection?

Mr. CHAPMAN. He has turned them over.

Mr. BLAKNEY (the attorney). I have others here.

(Mr. Blakney here produced certain deeds.)

Mr. CHAPMAN. The deeds that we have personally are in the court. These are the deeds for which we have a contract if the title is quieted.

Senator CURTIS. That is the original deed?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. These deeds are in general outlined and form the acknowledgment of substantially the same as the thirteen that were produced here this morning, are they?

Mr. CHAPMAN. Some of the thirteen this morning I think were taken in Eagle Pass, and may not perhaps have the specific acknowledgment and the revenue stamps on them.

Senator CURTIS. You did not bring up your original checks?

Mr. CHAPMAN. No, sir.

Senator CURTIS. I wish you would turn those over to the committee. They have been canceled, have they not?

Mr. CHAPMAN. Yes, sir.

Senator CURTIS. I would like to have you turn over all your checks concerning your transactions with the First National Bank with respect to the Kickapoo matter.

Mr. CHAPMAN. Those checks were all turned over to Mr. Benson when I made settlement with him, except Brown's and my own.

Mr. BLAKNEY. I can give the committee copies of all the checks. I have them all.

Senator CURTIS. Please send us copies of them all.

(The checks were here produced and handed to the chairman.)

Senator CURTIS. I see a check here of Pequa for \$400 that is not even witnessed. Do you know anything about that check?

The CHAIRMAN. Put in the bank to his credit?

Senator CURTIS. It is not even indorsed.

Mr. CHAPMAN. That was with the First National Bank, of Eagle Pass.

Senator CURTIS. Here is another to Pah-nah-ha-tho, not witnessed, for \$400. Do you know anything about that?

Mr. CHAPMAN. It is like the other one, I guess.

Senator CURTIS. There are twenty-five checks here. These are not all your checks. I want all the checks that you gave to the First National Bank in connection with the Kickapoo transaction—your expense account and everything.

Mr. CHAPMAN. If I can find them I will give them to you, with pleasure.

Senator CURTIS. Please let us have copies of them.

Mr. CHAPMAN. Very well.

Mr. EMBRY. In referring to the testimony of the negro, Mills, at the time you started down to Guajardo's house, as to your having papers under your arm when you left Outcalt's house, what about that?

Mr. CHAPMAN. If Outcalt had any house in Mexico I do not know it.

Mr. EMBRY. Do you know where his room was?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. Where was it?

Mr. CHAPMAN. I think he was at the Central Hotel most of the time.

Mr. EMBRY. Do you know where his room was?

Mr. CHAPMAN. Yes, sir.

Mr. EMBRY. Did he have a room about the building, and if so at what place?

Mr. CHAPMAN. Yes, sir; he had a room in the second story, just about the head of the stairway. That is my recollection.

Mr. EMBRY. Did you see him in that room at any time?

Mr. CHAPMAN. On many occasions.

Mr. EMBRY. Did you have any business with him in that room?

Mr. CHAPMAN. Nothing except in a social way.

Mr. EMBRY. How many Americans were down there at the time you were there?

Mr. CHAPMAN. I could not give you the exact number. I can name some of them.

Mr. EMBRY. Well, state approximately—4, 10, 12, or 15?

Mr. CHAPMAN. Well, somewhere between 4 and 12.

Mr. EMBRY. On that morning when you went down to Guajardo's house to take those acknowledgments did you see Outcalt?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. Did he accompany you with those papers?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. Did he have anything to do with the preparation of those papers?

Mr. CHAPMAN. Nothing at all.

Mr. EMBRY. Did you consult with him about them?

Mr. CHAPMAN. No, sir.

Mr. EMBRY. Do you think he was advised whether you were going down there with those deeds or not?

Mr. CHAPMAN. I do not.

Mr. EMBRY. What do you say to that statement that he and you walked out from that house—you with papers under your arm?

Mr. CHAPMAN. No such thing ever happened.

The witness was thereupon excused.

A. T. BROWN, having been first duly sworn, testified as follows:

Senator CURTIS. What is your name?

Mr. BROWN. A. T. Brown.

Senator CURTIS. Where do you live?

Mr. BROWN. Shawnee, Okla.

Senator CURTIS. How long have you lived in Shawnee?

Mr. BROWN. Six years.

Senator CURTIS. What is your business?

Mr. BROWN. Furniture and undertaking business.

Senator CURTIS. How long have you been in the furniture and undertaking business?

Mr. BROWN. About five years.

Senator CURTIS. What was your business prior to that?

Mr. BROWN. I was in the saloon business in Shawnee.

Senator CURTIS. How many years were you in the saloon business?

Mr. BROWN. About fifteen months.

Senator CURTIS. Do you know a band of Kickapoo Indians known as the Kicking Kickapoo Indians?

Mr. BROWN. Yes, sir; I know some of them.

Senator CURTIS. State if during the year 1906 you went to Mexico for the purpose of buying any Kickapoo lands.

Mr. BROWN. I did.

Senator CURTIS. How did you happen to go there, and with whom did you have an understanding?

Mr. BROWN. I understood there was a bill before the House to remove restrictions on some of the nonresidents.

Senator CURTIS. Did you understand that there was a bill of that kind before the House?

Mr. BROWN. I did. That is, it passed the House, and the restrictions would be removed from the Indians that were in that country.

Senator CURTIS. Do you not know that that bill did not pass the House; that it originated in the Senate?

Mr. BROWN. No, sir; I do not know anything about that.

Senator CURTIS. Now, proceed and state your agreement and why you went down there.

Mr. BROWN. I went down there with the agreement to assist in buying the land, and was to have 25 per cent interest on what land we secured.

Senator CURTIS. Who was that agreement made with?

Mr. BROWN. Benson, Chapman, and Grimes.

Senator CURTIS. The gentlemen who have been named here by Mr. Chapman without giving their initials?

Mr. BROWN. Yes, sir.

Senator CURTIS. When did you leave here for Mexico?

Mr. BROWN. I do not recollect exactly.

Senator CURTIS. Well, about what time?

Mr. BROWN. I think, some time in April.

Senator CURTIS. Where did you go first?

Mr. BROWN. To Eagle Pass.

Senator CURTIS. Who went with you?

Mr. BROWN. L. C. Grimes and Russell Johnson and Cal Moore.

Senator CURTIS. You took Russell Johnson and Cal Moore with you?

Mr. BROWN. Yes, sir.

Senator CURTIS. Was Russell Johnson connected with your party in any way?

Mr. BROWN. No, sir.

Senator CURTIS. He was going on his own hook, was he?

Mr. BROWN. Yes, sir.

Senator CURTIS. How about Moore?

Mr. BROWN. He was not connected with us.

Senator CURTIS. What was he doing down there?

Mr. BROWN. He said he wanted a farm.

Senator CURTIS. Did he work for you after he got there?

Mr. BROWN. Not directly.

Senator CURTIS. He worked with you, did he not? What do you mean by "not directly?" He was with you all the time helping you with the Indians?

Mr. BROWN. Yes, sir.

Senator CURTIS. Did you stop at Eagle Pass or did you go over to Muzquiz?

Mr. BROWN. I stopped at Eagle Pass.

Senator CURTIS. Where did you first meet Dr. R. C. Conine?

Mr. BROWN. I met him in Muzquiz

Senator CURTIS. At what time?

Mr. BROWN. Something like a week after he left here.

Senator CURTIS. How did you come to employ Doctor Conine, if you did employ him?

Mr. BROWN. I employed him because he could speak the Mexican tongue.

Senator CURTIS. How much did you agree to pay him?

Mr. BROWN. I agreed to pay him \$150 a month.

Senator CURTIS. How long did you employ him for?

Mr. BROWN. Something like two or three months.

Senator CURTIS. You heard these other witnesses testify that he worked five months, did you not?

Mr. BROWN. I did not employ him any longer than they came down.

Senator CURTIS. When you came down you turned everything over to Chapman, did you?

Mr. BROWN. Yes, sir.

Senator CURTIS. And after that you had nothing to do with the payment or employment proposition; you were working under Chapman?

Mr. BROWN. Yes, sir.

Senator CURTIS. You were the boss in charge, or the gentlemen in charge until Chapman arrived, were you not?

Mr. BROWN. You can frame it in that way; yes, sir.

Senator CURTIS. What Indian interpreters did you employ?

Mr. BROWN. Going down, there was Henry Murdock—

Senator CURTIS. Did you take him with you?

Mr. BROWN. Yes, sir; he went with us.

Senator CURTIS. Did you pay his way?

Mr. BROWN. Yes, sir.

Senator CURTIS. Who else did you take down at that time?

Mr. BROWN. I do not think there was anyone.

Senator CURTIS. You took some other Indians, did you not?

Mr. BROWN. Some other Indians went.

Senator CURTIS. Did you pay their way, too?

Mr. BROWN. I did not.

Senator CURTIS. Who did?

Mr. BROWN. I do not know.

Senator CURTIS. Did Grimes pay it, if you did not?

Mr. BROWN. I do not know. Russell Johnson paid some.

Senator CURTIS. Isn't it a fact that either yourself or Johnson or Grimes paid all their fares down?

Mr. BROWN. I do not know.

Senator CURTIS. What other Indian interpreter did you get down there?

Mr. BROWN. I do not understand.

Senator CURTIS. Did you have another Indian interpreter besides Mack Johnson?

Mr. BROWN. I did not; no, sir.

Senator CURTIS. Who did George Kishketon work for?

Mr. BROWN. I do not know.

Senator CURTIS. He interpreted for you people some, did he not?

Mr. BROWN. No, sir.

Senator CURTIS. How long did you stay there?

Mr. BROWN. Where?



Senator CURTIS. Down in Mexico.

Mr. BROWN. About three or four months.

Senator CURTIS. Where did you stay most of the time while you were there?

Mr. BROWN. At Muzquiz, Mexico.

Senator CURTIS. Did you get out to the Indian camp frequently?

Mr. BROWN. Yes, sir.

Senator CURTIS. How often did you go there?

Mr. BROWN. The whole time I was there.

Senator CURTIS. You had some trouble at first, did you not?

Mr. BROWN. Yes, sir—not at first, either.

Senator CURTIS. Well, you had some soon after you arrived there, did you not?

Mr. BROWN. Something like two or three weeks.

Senator CURTIS. How long did they keep you away from there?

Mr. BROWN. Three or four days.

Senator CURTIS. I want to know if you had any cipher with reference to dispatches between yourself and Mr. Chapman, or any understanding that you should wire in a way so that the public would not know the contents of the telegrams?

Mr. BROWN. Not with Chapman.

Senator CURTIS. Did you have with Mr. Cal Moore?

Mr. BROWN. No, sir.

Senator CURTIS. Or Mr. Benson?

Mr. BROWN. No, sir.

Senator CURTIS. Or Mr. Conine?

Mr. BROWN. I did, with Conine.

Senator CURTIS. Have you got that cipher with you?

Mr. BROWN. No, sir.

Senator CURTIS. Could you tell us the cipher; could you give it to us?

Mr. BROWN. No, sir; I do not recollect it.

Senator CURTIS. It was gotten up by you, was it not?

Mr. BROWN. Yes, sir; myself.

Senator CURTIS. If you got it up yourself why can you not tell us what it was?

Mr. BROWN. I do not recollect what it was.

Senator CURTIS. Did you get up so many that you have forgotten them?

Mr. BROWN. No, sir.

Senator CURTIS. You are not in the habit of getting up cipher dispatches between people, are you?

Mr. BROWN. No, sir.

Senator CURTIS. Did you ever have any in connection with anybody else except yourself and Conine?

Mr. BROWN. No, sir.

Senator CURTIS. And yet you have forgotten and can not tell this committee what that cipher was?

Mr. BROWN. No, sir; I can not.

Senator CURTIS. You had some telegrams and some communications with Russell Johnson, did you not?

Mr. BROWN. I think so.

Senator CURTIS. How did that happen, or what arrangement did you make to go back to camp there after you had been shut out? Who helped you to make the arrangement so that you could return?

Mr. BROWN. I do not know.

Senator CURTIS. What was done?

Mr. BROWN. I do not know.

Senator CURTIS. When did you first find out about it?

Mr. BROWN. I do not recollect.

Senator CURTIS. Did you ever tell anybody that the previous orders had been countermanded and there was no danger now of arrest and you could go out to the camp?

Mr. BROWN. I might; yes, sir.

Senator CURTIS. Whom did you tell that?

Mr. BROWN. I do not recollect.

Senator CURTIS. Then there was some danger prior to that of arrest and you could not go to the camp?

Mr. BROWN. Yes, sir.

Senator CURTIS. How did you get those restrictions removed?

Mr. BROWN. I do not know.

Senator CURTIS. You know they were removed. Who told you they were removed?

Mr. BROWN. I do not recollect.

Senator CURTIS. Did not Mr. Outcalt tell you?

Mr. BROWN. No, sir.

Senator CURTIS. Did he not go the first night you and he and the other boys went to the camp?

Mr. BROWN. I was in the camp before Outcalt came there.

Senator CURTIS. And did he not know the first night you went to the camp after this order was made you were forbidden going; did he not know the first night you went to the camp?

Mr. BROWN. I do not know whether he did.

Senator CURTIS. Was there anything about that transaction that you would not want to let the public know?

Mr. BROWN. No, sir.

Senator CURTIS. Why did you use this language to Russell Johnson in your dispatch to him:

"Can not explain over wire. Previous order countermanded. No danger of arrest. We are in camp with all privileges. Won't bring Murdock."

Why did you wire him that and say you could not explain over the wire if there was nothing in the transaction that you did not want the public to know?

Mr. BROWN. Russell Johnson was afraid to stay there at the time. He was afraid he would be arrested and thrown in jail.

Senator CURTIS. So were you, were you not?

Mr. BROWN. I was a little bit afraid. I did not leave, though.

Senator CURTIS. You remember some of those Indian boys being married?

Mr. BROWN. No, sir; I do not.

Senator CURTIS. Did you have anything to do with that?

Mr. BROWN. Indeed I did not.

Senator CURTIS. Were you there when they were married?

Mr. BROWN. I was not. I never heard of any Indian boy being married before.

Senator CURTIS. Did you not hear that three Indians boys were married in the town at Eagle Pass, and affidavits made that they were over 21 years of age?

Mr. BROWN. I did not. I never heard such a statement made, to my knowledge.

Senator CURTIS. And if that partner of yours, Grimes, did it, you do not know anything about it?

Mr. BROWN. I do not know anything about it. It was done after I left there if it was done at all.

Senator CURTIS. You were worried about the Indians going over there, were you not? You wanted what they call these Nacimientos Indians brought over?

Mr. BROWN. I do not understand the question.

Senator CURTIS. You wanted one of those other Kickapoo Indians, those Mexican Indians, brought over for some purpose, did you not?

Mr. BROWN. I do not recollect that I did; they were of no use to me.

Senator CURTIS. Then why did Grimes wire you that "Nacimientos needs no transport. Attend to the other man and do a good job. Will leave to-night?"

Mr. BROWN. I do not recollect that.

Senator CURTIS. It was on the 23d of June, 1906?

Mr. BROWN. I do not recollect that.

Senator CURTIS. You wired Grimes and asked him to get transport for those people, did you not?

Mr. BROWN. I do not recollect that I wired such a thing.

Senator CURTIS. If you had you would have remembered it, would you not?

Mr. BROWN. I do not know that I would.

Senator CURTIS. Did anything cause you any trouble down there with those Indians?

Mr. BROWN. They started to give us a little trouble.

Senator CURTIS. Who did?

Mr. BROWN. Mr. Bentley.

Senator CURTIS. Who else?

Mr. BROWN. That is the only one I know.

Senator CURTIS. Did not Galan give you trouble?

Mr. BROWN. He never bothered me much.

Senator CURTIS. Did he bother you at all?

Mr. BROWN. At one time in Eagle Pass.

Senator CURTIS. Did he not give you some trouble about these Spanish Indians?

Mr. BROWN. No, sir; they attempted to scare me with one of those Nacimientos chiefs once. He dressed up and said he would kill me if I came to the camp.

Senator CURTIS. Did you not speak to the Indians through the Spanish interpreter that Galan was giving you trouble?

Mr. BROWN. I do not recollect.

Senator CURTIS. And did you not ask Conine to get you a permit and say Galan was preventing those Indians from coming over because they had no permit and needed one?

Mr. BROWN. I do not recollect that I did.

Senator CURTIS. You have a fair recollection of these messages you sent? It was the only business you had done there, was it not? You were only down there looking after land, were you not?

Mr. BROWN. Yes, sir.

Senator CURTIS. Do you know anything about the case of Outcalt down there against this man Bentley—having him arrested? Do you know about Bentley being arrested?

Mr. BROWN. I heard that he was.

Senator CURTIS. You knew he was, did you not?

Mr. BROWN. I did not know it.

Senator CURTIS. Is it not a fact that your prospects became bright about the time he was arrested?

Mr. BROWN. I do not know that they were.

Senator CURTIS. Is that not about the time that things began to look bright to you people?

Mr. BROWN. I do not know that they were any brighter than they were before.

Senator CURTIS. Did you not wire to Mr. Chapman that they were?

Mr. BROWN. That the prospects were brighter?

Senator CURTIS. Yes.

Mr. BROWN. I do not know that I did.

Senator CURTIS. Did you not wire on the 29th of June to Chapman, "Good prospects to-morrow. Indians ready to come. Defendant holds them as witnesses;" that is, this defendant Bentley? "Outcalt case looks good."

Mr. BROWN. I do not recollect.

Senator CURTIS. You do not remember that?

Mr. BROWN. No, sir.

Senator CURTIS. You kept Outcalt advised, did you not, of the movements of the Americans down there?

Mr. BROWN. I did not.

Senator CURTIS. Did you not wire to Mr. Outcalt on the 2d day of January, 1906, that the American consul, Mr. Martin, "will be in Muzquiz to-day?"

Mr. BROWN. I may have, but I do not recollect.

Senator CURTIS. Did you not so wire?

Mr. BROWN. I do not recollect.

Senator CURTIS. Is it not a fact that you and Outcalt were together all the time there and in constant communication?

Mr. BROWN. Indeed, we were not.

Senator CURTIS. How often have you been in his room?

Mr. BROWN. I have been there several times.

Senator CURTIS. You have been there fifty times, have you not?

Mr. BROWN. Maybe so.

Senator CURTIS. Did you have any of those Indian women up there?

Mr. BROWN. I did not have them up there.

Senator CURTIS. You had them with Grimes, did you not?

Mr. BROWN. I did not.

Senator CURTIS. You had those Indian women drunk in the back room, did you not?

Mr. BROWN. I did not.

Senator CURTIS. You had the women up in the room that was occupied by yourself and Grimes, did you not?

Mr. BROWN. I never gave them a bit of whisky in my life.

Senator CURTIS. You saw Grimes was with them, did you not?

Mr. BROWN. No, sir.

Senator CURTIS. And you helped pay for the whisky, did you not?

Mr. BROWN. I do not know that I did.

Senator CURTIS. Who were the seven Indians you notified Chapman you would start with, and did you have any trouble with them?

Mr. BROWN. I do not know that I had any trouble with them.

Senator CURTIS. Did you take seven over to Eagle Pass at any time?

Mr. BROWN. I went over there with several once.

Senator CURTIS. Did you take over seven; you know whether you did or not?

Mr. BROWN. There may have been seven or more.

Senator CURTIS. Did you not wire him you had seven?

Mr. BROWN. I do not think I did.

Senator CURTIS. Who were they?

Mr. BROWN. I do not recollect.

Senator CURTIS. Did you do it? You remember whether you had seven Indians with you or not?

Mr. BROWN. I do not recollect that I did.

Senator CURTIS. Did the opposition take any Indians away from Chapman?

Mr. BROWN. I just heard that they did, but I do not know.

Senator CURTIS. Who told you?

Mr. BROWN. I think Chapman and Grimes.

Senator CURTIS. When did they tell you?

Mr. BROWN. When I came to Eagle Pass.

Senator CURTIS. Did they not tell you before that?

Mr. BROWN. I do not recollect.

Senator CURTIS. Did they not notify you before?

Mr. BROWN. I do not recollect whether they did or not.

Senator CURTIS. Did Chapman wire you "Opposition wants to see you secure Indians. Want to see you before I go?"

Mr. BROWN. I do not recollect that.

Senator CURTIS. Can you tell us what that dispatch means [handing telegram to witness], from Doctor Conine to you, and what the date of it is? That is one of your ciphers, is it not?

Mr. BROWN. It is July 8, 1906.

Senator CURTIS. What does that mean?

Mr. BROWN. July 8, 1906.

Senator CURTIS. I know that, but what is the dispatch.

Mr. BROWN. I can not read it; I do not recollect it.

Senator CURTIS. Now, do you not know that that is just as simple as the nose on your face?

Mr. BROWN. No, sir.

Senator CURTIS. Do you not know; did you not get it up. Now, to read it is to commence tail end to and read the words backward?

Mr. BROWN. I might.

Senator CURTIS. Do you not know; did you not get it up. Now, let me tell you the way to read it: "Get boys. All's well. Duke stronger than ever. Will grant requests, and hopes for future; will

break opponents up at all hazards; is favorable to Laredo." You could read that, could you not, and you did read it there, did you not?

Mr. BROWN. I did not there; no, sir.

Senator CURTIS. You did when you got it at Muzquiz, did you not?

Mr. BROWN. I guess I did.

Senator CURTIS. And now you tell us you got up the code and can not tell us what it is? Why did you have to wire like that? What necessity was there for you putting things tail end to?

Mr. BROWN. The only thing in regard to that was —

Senator CURTIS. You thought the public was so ignorant that they could not translate a simple cipher like that?

Mr. BROWN. I do not know that I got it up.

Senator CURTIS. You say you got it up.

Mr. BROWN. I say Conine —

Senator CURTIS. You thought that when he spoke of the Duke that was Guajardo, was it not?

Mr. BROWN. I do not remember.

Senator CURTIS. And you paid Guajardo \$2,400 for his infamous conduct, did you not?

Mr. BROWN. No, sir.

Senator CURTIS. How much did you pay him?

Mr. BROWN. Nothing.

Senator CURTIS. How much did you pay the judge?

Mr. BROWN. Nothing.

Senator CURTIS. Look at this and see if you can read it to us, a telegram that you sent Conine, another one of your ciphers. Can you read it?

Mr. BROWN. No, sir.

Senator CURTIS. You sent it yourself and you can not read it? You sent that telegram to Conine, did you not?

Mr. BROWN. I do not know whether I did or not.

Senator CURTIS. Well, look at it; is not that your cipher?

Mr. BROWN. I do not know.

Senator CURTIS. You got it up. That says "Chapman is coming; road washed out. Impossible to get there. Everything steady." That dispatch that you thought nobody could translate but you and Conine—why did you send it?

Mr. BROWN. To keep him from getting hold of everything. He was getting hold of every telegram I sent.

Senator CURTIS. Here is another from Conine to Brown. See if you can read that to us [handing telegram to witness]?

Mr. BROWN. I can not read it.

Senator CURTIS. It is your own cipher, the one that you manufactured, the first and only one in your life, and you can not read it?

Mr. BROWN. I have forgotten.

Senator CURTIS. Can you not read it after I have told you how to decipher it?

Mr. BROWN. You have not told me how.

Senator CURTIS. Did I not tell you to commence from the tail end and go up; you commence with the man's name and spell it the wrong way, wrong end to. If you spell Graham, you commence with "M" instead of "G." That is how you do it, and you thought nobody could translate that. Why was it necessary for you to send those kinds of messages?

Mr. BROWN. I did not want Bentley to get hold of them and read them. He read every one.

Senator CURTIS. What did you mean by this: "Opposition. Have agent working on Duke. Your continued absence may be detrimental." You knew who the Duke was?

Mr. BROWN. I do not.

Senator CURTIS. Was it Outcalt or was it Guajardo?

Mr. BROWN. I do not know.

Senator CURTIS. It was Guajardo, was it not?

Mr. BROWN. I do not know.

Senator CURTIS. Do you say that you received those dispatches from that man, your partner, your paid agent, and do not know to whom he referred when he was using your own cipher? Do you tell this committee that and want us to believe you?

Mr. BROWN. I do not recollect who I meant by the Duke.

Senator CURTIS. "Opposition. Have agent working on Duke. Your continued absence may be detrimental. Somebody get here by all means. Coaches go to Barrateran to-day," signed Conine. You received that dispatch did you not?

Mr. BROWN. I do not recollect whether I did or not.

Senator CURTIS. You will not say that you did not, will you?

Mr. BROWN. No, sir; I can not say.

Senator CURTIS. No; you had better not say. You say that, and the penitentiary will stare you in the face, because you did get it. Now, do you not know that you went down there to deliberately rob those Indians?

Mr. BROWN. I do not.

Senator CURTIS. Do you not know that you did not pay an Indian one-fourth of what his land was worth?

Mr. BROWN. I do not.

Senator CURTIS. Do you not know that you took a deed down there signed by a woman who had been dead for seven years?

Mr. BROWN. I did not.

Senator CURTIS. You got such a deed and afterwards transferred the land back?

Mr. BROWN. I do not know about that.

Senator CURTIS. Your own partners have said that they deeded the land back. You took those deeds from women who were blind, did you not?

Mr. BROWN. I did not take a deed.

Senator CURTIS. Who did take them; you helped to get them?

Mr. BROWN. I was not there.

Senator CURTIS. You took a deed from that poor old imbecile, did you not?

Mr. BROWN. I do not know anything about that. I was not present when the deed was taken.

Senator CURTIS. You afterwards had these deeds there and have profited by them, and they are now on record in the name of Benson in your behalf, one-fourth interest, and you expect to profit from those deeds, do you not?

Mr. BROWN. Sure.

Senator CURTIS. You would take a deed from a poor imbecile who did not know anything about a deed?

Mr. BROWN. There was no imbecile Indian there.

Senator CURTIS. You say there was no imbecile Indian in that camp?

Mr. BROWN. I do.

Senator CURTIS. You say there was no dumb Indian in that camp?

Mr. BROWN. I say I never saw a dumb Indian in that camp.

Senator CURTIS. You say there was none there?

Mr. BROWN. I do not believe there was one there.

Senator CURTIS. Well, there was one.

Mr. BROWN. Well, I never saw him.

Senator CURTIS. You have a deed from him, too, you and Chapman and Grimes. Now, you took those Indians land but did not pay them any money?

Mr. BROWN. I did not pay them anything.

Senator CURTIS. Did you see any money paid to them?

Mr. BROWN. I did not.

Senator CURTIS. Do you not know that there was no money paid a single Indian who signed a deed in Mexico?

Mr. BROWN. I do not know that.

Senator CURTIS. Where were you?

Mr. BROWN. I was in Mexico part of the time.

Senator CURTIS. Have you been interested in any deeds taken since then?

Mr. BROWN. Since when?

Senator CURTIS. Since the summer of 1906.

Mr. BROWN. No, sir.

Senator CURTIS. You were down there on the second transaction, were you?

Mr. BROWN. No, sir.

Senator CURTIS. Were you not down there with Garrett?

Mr. BROWN. No, sir.

Senator CURTIS. Were you not interested in the Garrett deal?

Mr. BROWN. No, sir; I was not.

Senator CURTIS. You had all of that that you wanted, did you not?

Mr. BROWN. I did not have any more money.

Senator CURTIS. You did not have in the first place, did you?

Mr. BROWN. No, sir.

Senator CURTIS. Mr. Benson put in all the money, did he not?

Mr. BROWN. Yes, sir; he did not have any more.

Senator CURTIS. Did not Chapman wire you in July that he would give \$5,000 more?

Mr. BROWN. I do not recollect.

Senator CURTIS. You will not say that he did or did not?

Mr. BROWN. No, sir.

Senator CURTIS. Now, you had some interest in taking depositions down there, did you not?

Mr. BROWN. No, sir.

Senator CURTIS. You did not?

Mr. BROWN. Not that I know of. I do not know what you call interest.

Senator CURTIS. You were interested in having them taken, were you not?

Mr. BROWN. Yes, sir.

Senator CURTIS. And you took an interest in having Conine say that they were promptly taken, did you not?



Mr. BROWN. Yes, sir; I guess so.

Senator CURTIS. How much money did you and Chapman send Conine?

Mr. BROWN. I do not recollect. I think about \$500.

Senator CURTIS. Mexican or gold?

Mr. BROWN. Gold.

Senator CURTIS. Did he not wire Chapman and Brown together?

Mr. BROWN. I do not recollect how it was.

Senator CURTIS. And did you not join in a wire back to him?

Mr. BROWN. I do not recollect as to that.

Senator CURTIS. Let me read you the dispatch and maybe it will refresh your memory. It is not a very long one; R. C. Conine to Chapman and Brown, 5-8-07:

"Absolutely necessary have First National Eagle Pass honor my check \$500 to secure depositions. Have bank notify Monclova bank. Will do our best. Answer here quick."

Do you remember receiving that?

Mr. BROWN. I remember receiving a telegram asking for \$500.

Senator CURTIS. And you had it wired back, did you not?

Mr. BROWN. Yes, sir.

Senator CURTIS. And then you wired back the money and wired him to represent your people and use his own judgment and do the best he could, did you not?

Mr. BROWN. Yes, sir.

Senator CURTIS. You wired him this kind of a dispatch May 10, 1907:

"Wire money on 8th. Use your own judgment. We are with you."

Why were you with him?

Mr. BROWN. I do not recollect sending a telegram of that kind.

Senator CURTIS. You and Chapman did send it, did you not? Will you say you did not?

Mr. BROWN. No, sir. I would not say I did not.

Senator CURTIS. Then why did you say "We are with you." Because he would help you rob these Indians of their land, did you not? He was in the same boat that you were in.

Mr. BROWN. No, sir.

Senator CURTIS. He has some of the deeds, the same as you have, has he not?

Mr. BROWN. I do not know; I think he has.

Senator CURTIS. You know he has. Why do you not be honest about it?

Mr. BROWN. I do not know positively, because if he did he secured them after we left there.

Senator CURTIS. He came back here, did he not?

Mr. BROWN. He secured the deeds after I left there, if he has them.

Senator CURTIS. Do you not know he has deeds?

Mr. BROWN. No, sir.

Senator CURTIS. He told you he had, did he not?

Mr. BROWN. Yes, sir.

Senator CURTIS. How much money did you put in the transaction?

Mr. BROWN. I did not put in any.

Senator CURTIS. You did not put a dollar in, did you? How much time did you put in?

Mr. BROWN. Three or four months.

Senator CURTIS. Did you ever ask anybody else to go into business with you?

Mr. BROWN. I do not recollect.

Senator CURTIS. Did you afterwards have a contract with Chapman to go down there and buy four or five pieces of land?

Mr. BROWN. I had a verbal contract with him.

Senator CURTIS. Did you go there and buy land?

Mr. BROWN. I did not go; no, sir.

Senator CURTIS. Who did go?

Mr. BROWN. Chapman.

Senator CURTIS. Were you not down there?

Mr. BROWN. No, sir.

Senator CURTIS. Where were you on July 17, 1906?

Mr. BROWN. I do not recollect exactly.

Senator CURTIS. You were down at Muzquiz, were you not?

Mr. BROWN. I do not recollect.

Senator CURTIS. You were in that neck of the woods, were you not?

Mr. BROWN. I am not sure.

Senator CURTIS. You needed a little money, did you not?

Mr. BROWN. I needed money all the time I was there.

Senator CURTIS. Did you wire anybody for money?

Mr. BROWN. I expect so.

Senator CURTIS. Whom did you wire?

Mr. BROWN. My partner.

Senator CURTIS. Are you in the habit of wiring for money and forgetting about it? Who is your partner?

Mr. BROWN. M. C. Fleming.

Senator CURTIS. Did you not wire M. P. Brown? Who is he?

Mr. BROWN. My father.

Senator CURTIS. Did you not wire him for money?

Mr. BROWN. Yes, sir.

Senator CURTIS. You had forgotten about that, had you not?

Mr. BROWN. I had forgotten wiring; yes, sir.

Senator CURTIS. You forgot you wired him for \$3,000? Did you get it?

Mr. BROWN. Yes, sir.

Senator CURTIS. What did you do with it?

Mr. BROWN. I bought some land with it.

Senator CURTIS. In whose name?

Mr. BROWN. Chapman bought the land there with that money.

Senator CURTIS. In whose name did you take it? You say Benson was to furnish all the other money?

Mr. BROWN. Benson furnished all the money before.

Senator CURTIS. And you took this on your own hook. How many pieces did you get?

Mr. BROWN. I do not remember.

Senator CURTIS. How many have you in your own name now, or in your father's name?

Mr. BROWN. I have none in my father's name.

Senator CURTIS. In whose name have you got the land that you bought with this money received in response to your dispatch of July 17, 1906:

"M. P. Brown. Have your bank wire First National Bank Eagle Pass \$3,000 to my credit."

Mr. BROWN. He wired the money to my credit there and we bought land with it, and in the meantime there was some more money coming from Benson and we put it back, and the money I put in the land was put in later when Chapman went back the next time.

Senator CURTIS. Then you have nothing for yourself?

Mr. BROWN. I have.

Senator CURTIS. How much have you in your own name?

Mr. BROWN. I have none in my own name.

Senator CURTIS. In whose name did you take it?

Mr. BROWN. Chapman took it in his name.

Senator CURTIS. You have no outside dealings then?

Mr. BROWN. No, sir; only Chapman and I.

The CHAIRMAN. You have a deed to Chapman and yourself, you mean?

Mr. BROWN. It is an undivided one-half interest.

Senator CURTIS. You got a little uneasy down there about the 27th of July—about the time you got that money from Benson, did you not?

Mr. BROWN. I do not recollect that I did.

Senator CURTIS. Read your own dispatch to Benson, Shawnee: "Everything in the air. Will be home on first train." You sent that dispatch?

Mr. BROWN. I do not recollect.

Senator CURTIS. Will you say you did not?

Mr. BROWN. No, sir.

Senator CURTIS. Did you send any descriptions or any wires to Conine as to the property of any Indian in August?

Mr. BROWN. I do not recollect.

Senator CURTIS. Did he wire you and ask you to?

Mr. BROWN. I do not recollect.

Senator CURTIS. Have you the letter you received from Conine written to you on the 6th of August, 1906?

Mr. BROWN. No, sir.

Senator CURTIS. What did you do with it?

Mr. BROWN. I do not recollect. I do not recollect receiving one.

Senator CURTIS. You know you received it?

Mr. BROWN. I do not know that I did.

Senator CURTIS. Let me refresh your memory. Conine wires you on the 6th of August: "Wire number and description of Po-ho-no-no-co-the (Pah-pah-me-na-ko-the). Allotment yet unsold; go to Eagle Pass to-morrow; Bentley get if do not." Did you get that dispatch from him?

Mr. BROWN. No, sir; I do not recollect.

Senator CURTIS. Will you say whether you did or did not?

Mr. BROWN. No, sir.

Senator CURTIS. Did you get a wire from Conine with reference to the situation there in August, as follows:

"Muzquiz, August 6, 1906. A. J. Brown, Shawnee, Okla., by way Ciudad Porfirio, Diaz. Situation bum here; land best price; let have at cost; then have to help to protect self; wrote to-day. R. C. Conine."

You got that letter, did you not?

Mr. BROWN. I do not recollect that I did.

Senator CURTIS. Did you not get that letter, and in response to that wire him that that letter had cleared up the situation, and that you now understood it?

Mr. BROWN. I do not recollect that I did.

Senator CURTIS. Do you remember getting this dispatch from Conine on August 10, 1906: "Come help or I leave immediately; something here; do you want it?"

Mr. BROWN. I do not recollect that.

Senator CURTIS. Will you say you did not?

Mr. BROWN. No, sir.

Senator CURTIS. Will you say you did not receive it?

Mr. BROWN. No, sir.

Senator CURTIS. This is from Conine to you, and then did you not wire back on the 11th, after receiving that letter on the 6th: "Just received letter; I understand all that makes things look better." What do you mean by that?

Mr. BROWN. I do not recollect.

Senator CURTIS. You sent it, did you not?

Mr. BROWN. I do not recollect that I did.

Senator CURTIS. Will you say you did not send it?

Mr. BROWN. No, sir.

Senator CURTIS. Can you tell this committee that you do not recollect; do you tell your neighbors here that you do not recollect it?

Mr. BROWN. Yes, sir.

Senator CURTIS. Did Chapman ask you to send him an interpreter in August?

Mr. BROWN. I do not recollect.

Senator CURTIS. Now, do you not know he wired you on the 18th of August: "No interpreter here; can not do anything without one. Come with Henry Murdock at once. Wire when coming." Did you not get that dispatch from him?

Mr. BROWN. I do not recollect that I did.

Senator CURTIS. You afterwards secured an interpreter, did you not?

Mr. BROWN. I did not.

Senator CURTIS. Did you not get Joe Whipple?

Mr. BROWN. Joe Whipple was down there.

Senator CURTIS. Did you not get him to go?

Mr. BROWN. I did not.

Senator CURTIS. Did you not wire him this, August 20, 1906; "I can not possibly come. Can't get Murdock to come. Can send Joe Whipple and Grimes to-morrow, if satisfactory. Whipple is the best in town. Answer." Did you not send that dispatch?

Mr. BROWN. I do not know that I did.

Senator CURTIS. Did you not send that dispatch from here to Chapman, who was at Muzquiz?

Mr. BROWN. I do not recollect.

Senator CURTIS. Will you say you did not?

Mr. BROWN. No, sir.

Senator CURTIS. Did you not send him another one on the same day: "Can not possibly get Murdock. Thackery guardian. Will

get Joe Whipple if I can. I can not; impossible. They will send Grimes if satisfactory. Answer." Did you send that dispatch?

Mr. BROWN. I do not know that I did.

Senator CURTIS. Now, about that time Grimes and Chapman were not on very good terms, were they?

Mr. BROWN. I do not know.

Senator CURTIS. Well, do you not know they were not?

Mr. BROWN. I do not know whether they were or not.

Senator CURTIS. Have you not heard Chapman say so?

Mr. BROWN. No, sir.

Senator CURTIS. Did you hear him say on the stand to-day that he did not like his conduct?

Mr. BROWN. I do not know that he did.

Senator CURTIS. And did you not wire him that you could not use him down there at all? On the 20th of August you received this dispatch: "Don't understand telegram. Can not Grimes at all." Did you receive it?

Mr. BROWN. I do not recollect that I did.

Mr. EMBRY. I understand you wired to your father to wire \$3,000 to your credit down there?

Mr. BROWN. He sent \$3,000; yes, sir.

Mr. EMBRY. That was when you and Chapman and Grimes were working together, after Chapman had gone out?

Mr. BROWN. Yes, sir.

Mr. EMBRY. With that \$3,000 you bought how many pieces of land?

Mr. BROWN. I do not exactly know how many pieces of land there were that I bought with that.

Mr. EMBRY. All but the three you bought at that time were bought with that \$3,000?

Mr. BROWN. No, sir; it was not used in that land that I have now at all.

Mr. EMBRY. Did you use this \$3,000 that your father wired you there to buy land with?

Mr. BROWN. Yes, sir; I did.

Mr. EMBRY. Where is that land that you bought; what land did you buy with that?

Mr. BROWN. I do not recollect exactly the numbers of it; but afterwards some money was sent down and I transferred that land into the company, and the land that I have now was bought after I came back here and Chapman went down there.

Mr. EMBRY. Then this \$3,000, the land that was bought with that, was transferred to the Benson company?

Mr. BROWN. Yes, sir.

Mr. EMBRY. And your father was repaid from that source?

Mr. BROWN. Yes, sir. Afterwards, when Chapman went down, he secured some more land, he bought some more land, and drew on me for the money.

Mr. EMBRY. I want you to separate the transactions when you and Benson and Grimes and Chapman were cooperating from the transactions when you and Chapman and Grimes were cooperating. Now, did you wire your father for these \$3,000 from the Benson undertaking or from the later undertaking?

Mr. BROWN. I did it under the Benson undertaking.

Mr. EMBRY. Then it belongs to the Benson transaction, your father's money, the \$3,000?

Mr. BROWN. Yes, sir.

Mr. EMBRY. Was your father repaid that \$3,000?

Mr. BROWN. Benson paid him the money back and took the land that he bought with that money.

Mr. EMBRY. And you paid your father?

Mr. BROWN. No, sir. Afterwards when Chapman went back down there he bought five pieces of the land, I think.

Mr. EMBRY. What money paid for these five pieces?

Mr. BROWN. Grimes paid for two and I paid for those two pieces and a fraction of a piece.

Mr. EMBRY. Did you pay for these three pieces and a fraction out of the funds which you received from Benson and Company in the adjustment of the land that your father's \$3,000 bought?

Mr. BROWN. Yes, sir.

Mr. EMBRY. What was the understanding between you and your father when you went there as to his furnishing you money?

Mr. BROWN. I had no understanding with him at all.

Mr. EMBRY. Is your father interested in your undertaking business at all?

Mr. BROWN. No, sir.

Mr. EMBRY. Had you no arrangement with him to furnish money at all?

Mr. BROWN. I had not. When Mr. Tack Grimes came down he said, "Your father has sold \$21,000 worth of property on Grand avenue. Have you not any wire about it?"

Mr. EMBRY. It was then that you wired for the \$3,000?

Mr. BROWN. Yes, sir.

Mr. EMBRY. Then you bought this land and turned that into the Benson company?

Mr. BROWN. Yes, sir.

Mr. EMBRY. In consideration of that land the Benson company paid you how much?

Mr. BROWN. The money back.

Mr. EMBRY. Which your father had put in?

Mr. BROWN. Yes, sir.

Mr. EMBRY. Then it was that money which you and Chapman and Grimes later used in buying—that is, in paying yours and Chapman's part of the later transaction?

Mr. BROWN. Yes, sir.

Mr. EMBRY. Did you ever give your father a mortgage on any of this land?

Mr. BROWN. They gave him a note, and it seems as though we gave him a mortgage, but I am not sure. I think later we took the mortgage off.

Mr. EMBRY. You paid it, did you?

Mr. BROWN. No, sir; I just took up the mortgage; I did not want the mortgage on it.

Mr. EMBRY. Your father released the mortgage?

Mr. BROWN. Yes, sir.

Mr. EMBRY. Then he has no claim or equity in this land?

Mr. BROWN. No, sir.

Mr. EMBRY. And does not expect any?

Mr. BROWN. No, sir; not a dollar.

Mr. EMBRY. And you men hold it free from that claim?

Mr. BROWN. Yes, sir.

Mr. EMBRY. You have made other arrangements to pay him, have you?

Mr. BROWN. Yes, sir.

Mr. EMBRY. What other arrangements have you made to pay him?

Mr. BROWN. We gave him a note, Chapman and I.

Mr. EMBRY. And he accepted it in lieu of any claim on this land?

Mr. BROWN. Yes, sir.

Mr. EMBRY. And that is the state of it now, is it?

Mr. BROWN. Yes, sir.

Mr. EMBRY. Were you at Sabinas at the time Okemah and other Indians attempted to get on the train one morning—that is, the train going to Eagle Pass?

Mr. BROWN. I was coming there.

Mr. EMBRY. In what direction?

Mr. BROWN. I was going toward Eagle Pass?

Mr. EMBRY. When was that?

Mr. BROWN. Some time in July.

Mr. EMBRY. Do you know the Indian Okemah?

Mr. BROWN. I just know him when I see him.

Mr. EMBRY. Do you not remember a time when some Indians were arrested and taken back to Sabinas?

Mr. BROWN. Yes, sir; I understood some were arrested.

Mr. EMBRY. They were on the train with you as you came up that morning?

Mr. BROWN. I do not recollect. There were some Indians. I was coming out with some Indians to take deeds at Eagle Pass?

Mr. EMBRY. Was Doctor Conine with you?

Mr. BROWN. Yes, sir.

Mr. EMBRY. Had you and Conine got off the train at Sabinas?

Mr. BROWN. Yes, sir; we got off there for breakfast.

Mr. EMBRY. You did not get back on the train in time to go to Eagle Pass?

Mr. BROWN. They always stopped thirty minutes for breakfast, and the train pulled out and left us and several others there.

Mr. EMBRY. Was George Outcalt on that train?

Mr. BROWN. No, sir.

Mr. EMBRY. Did you see George Outcalt at Sabinas that day?

Mr. BROWN. No, sir.

Mr. EMBRY. How long did you stay at Sabinas?

Mr. BROWN. I think I stayed until that evening train and went back.

Mr. EMBRY. Did you go back on that evening train?

Mr. BROWN. Yes, sir; to Barroteran.

Mr. EMBRY. Were those Indians arrested that day?

Mr. BROWN. I think there were some held there for something.

Mr. EMBRY. Did Conine go back with you?

Mr. BROWN. Yes, sir.

Mr. EMBRY. Was that long about the 5th, 6th, or 7th of July or the forepart of July?

Mr. BROWN. Yes, sir; along about the first part of July.

Mr. EMBRY. Can you fix it with reference to whether or not there was any change in the weather?

Mr. BROWN. Yes, sir; it was raining very heavily I know, because Conine went on back to Muzquiz and I went on back from Barroteran to Eagle Pass.

Mr. EMBRY. Did you go back as far as Barroteran?

Mr. BROWN. That night I did.

Mr. EMBRY. And you stopped there and returned to Eagle Pass the next day?

Mr. BROWN. Yes, sir.

Mr. EMBRY. Did you see Mr. Field that evening going south to Barroteran?

Mr. BROWN. No, sir.

Mr. EMBRY. What were you taking those Indians out to Eagle Pass for?

Mr. BROWN. Just to take deeds. They wanted to give us deeds.

Mr. EMBRY. What Indians were they?

Mr. BROWN. I do not recollect.

Mr. EMBRY. How many were there?

Mr. BROWN. I do not recollect the number.

Mr. EMBRY. Do you know the Indian Okemah?

Mr. BROWN. I know him when I see him.

Mr. EMBRY. Did you see him at Eagle Pass at that time?

Mr. BROWN. I do not recollect whether I did or not.

Mr. EMBRY. You understood those Indians were arrested and detained there, did you?

Mr. BROWN. Yes, sir; I understood they were detained.

Mr. EMBRY. How long did you and Conine stay at Sabinas that day after missing your train in the morning?

Mr. BROWN. Until the evening train went back.

Mr. EMBRY. What hour was that?

Mr. BROWN. I do not recollect—8 or 9 o'clock.

Mr. EMBRY. How many hotels were there at Sabinas?

Mr. BROWN. I do not know.

Mr. EMBRY. Was Cal Moore at Sabinas that day?

Mr. BROWN. No, sir.

Mr. EMBRY. Now, about those checks delivered at Guajardo's house. At the time those deeds were given in the Benson-Chapman matter did you know anything about those checks being delivered to Conine?

Mr. BROWN. No, sir; not that I saw. I was not out there.

Mr. EMBRY. Where were you?

Mr. BROWN. I was in town I think some place.

Mr. EMBRY. What were you doing?

Mr. BROWN. I was just uptown. I never was in Guajardo's place in my life. I only passed by it once.

Mr. EMBRY. Who were with you uptown; anyone?

Mr. BROWN. I was there with Chapman, and the rest of the boys had gone out to the camp.

Mr. EMBRY. What camp?

Mr. BROWN. The Indian camp.

Mr. EMBRY. I am talking about the time the deeds were supposed to be taken at Guajardo's house. Do you know where you were at that time?



Mr. BROWN. Yes, sir; I was in town.

Mr. EMBRY. At Muzquiz?

Mr. BROWN. Yes, sir.

Mr. EMBRY. Do you remember any Americans who were there at Muzquiz at that time?

Mr. BROWN. Yes, sir.

Mr. EMBRY. Who were they?

Mr. BROWN. Outcalt and Clark.

Mr. EMBRY. Where were they; at Muzquiz?

Mr. BROWN. They were around that day.

Mr. EMBRY. You were never at Guajardo's house in your life?

Mr. BROWN. Never in my life; only passed there and stopped one time.

Mr. EMBRY. Did you understand that the deeds were taken at Guajardo's house—two deeds?

Mr. BROWN. Not until that evening that they came in with those six deeds; I did not know that they had taken them.

Mr. EMBRY. Did you not understand that deeds were taken there on two occasions?

Mr. BROWN. I do now, but I did not then.

Mr. EMBRY. When did you learn that?

Mr. BROWN. After they came back that evening. They said they had taken them at Guajardo's house.

Mr. EMBRY. Did you have anything to do with the buying of this Mexican land down there for those Indians?

Mr. BROWN. No, sir; I do not know anything about it.

Mr. EMBRY. Something was said a while ago about women being in Outcalt's room; do you know anything about that?

Mr. BROWN. I have seen women up there; yes, sir; in all the rooms.

Mr. EMBRY. On what occasions did you see women up there?

Mr. BROWN. I do not recollect any occasion. People would come up going backward and forward.

Mr. EMBRY. What kind of a hotel is that? Is there an apartment upstairs?

Mr. BROWN. There are about 6 or 7 great big double rooms.

Mr. EMBRY. Were you ever in Outcalt's room?

Mr. BROWN. Yes, sir.

Mr. EMBRY. Were any other persons in the house who had rooms?

Mr. BROWN. Yes, sir; there were several Indians up there.

Mr. EMBRY. What would they be doing?

Mr. BROWN. They would be in there talking to Outcalt.

Mr. EMBRY. Do you know what it was about?

Mr. BROWN. One day Outcalt was taking some statements from some Indian. He was taking his statement and writing it down, and also Clark was attempting to pay him some money that the Government owed him.

THE CHAIRMAN. Who was?

Mr. BROWN. Outcalt had some rolls or something for them to sign.

Mr. EMBRY. Was it lease money?

Mr. BROWN. I understood so.

Mr. EMBRY. Did you ever see any drunken Indians up there?

Mr. BROWN. I have seen drunken Indians, but not in their room; no, sir.

Mr. EMBRY. Did Indians board over there in any of those rooms?

Mr. BROWN. They slept up there; there were rooms up there which they occupied and paid for.

Mr. EMBRY. Did you sleep in that building?

Mr. BROWN. I slept in the building in the back end; yes, sir.

Mr. EMBRY. How far from Outcalt's room?

Mr. BROWN. I think the first or second room from him.

Mr. EMBRY. Do you know of any American having an Indian woman or women up there?

Mr. BROWN. No, sir.

Mr. EMBRY. Or being in the room with Indian women?

Mr. BROWN. I think not.

Mr. EMBRY. Or sleeping with them?

Mr. BROWN. No, sir.

Mr. EMBRY. Did you go in Rachel Kirk's or any other Indian woman's room?

Mr. BROWN. Not that I know of.

Mr. EMBRY. Did Outcalt?

Mr. BROWN. No, sir.

Mr. EMBRY. Did you see any other fellows in those rooms with those women?

Mr. BROWN. No, sir; I do not recollect if I did.

Mr. EMBRY. Did you see Thackery down there at that time?

Mr. BROWN. Yes, sir.

Mr. EMBRY. How many times?

Mr. BROWN. Several times.

Mr. EMBRY. Did you see him up at the Indian camp?

Mr. BROWN. Yes, sir; one time. One time he came in in the evening. He did not stay long.

Mr. EMBRY. Why?

Mr. BROWN. He came there and gave us an order to go away from there.

Mr. EMBRY. And you were there at that time?

Mr. BROWN. Yes, sir.

Mr. EMBRY. How did you happen to be there?

Mr. BROWN. I had been out there several times before that.

Mr. EMBRY. What was Mr. Thackery doing there? Did he talk with the Indians any?

Mr. BROWN. Yes, sir; he said he was there to pay them their lease money.

The CHAIRMAN. Thackery said that?

Mr. BROWN. Yes, sir.

Mr. EMBRY. Did Mr. George Outcalt or Mr. Thackery aid any of you men in buying land down there or inducing Indians to sell land?

Mr. BROWN. No, sir; they did not.

Mr. EMBRY. Or in taking whisky or intoxicants to those camps?

Mr. BROWN. I never saw them take a bit of whisky or intoxicants in the camp in my life.

Mr. EMBRY. Or inducing Indians to frequent saloons?

Mr. BROWN. No, sir.

Senator CURTIS. You were out with a Mexican policeman one night nearly all night, were you not?

Mr. BROWN. Yes, sir.

Senator CURTIS. Who were you looking for?

Mr. BROWN. M. J. Bentley, I believe.

Senator CURTIS. This gentleman here?

Mr. BROWN. Yes, sir.

Senator CURTIS. You did not find him, did you?

Mr. BROWN. No, sir; we hunted for him.

Senator CURTIS. Do you know a couple of Indian girls, Kee-ah-tho-com-o-quah and Pem-me-pah-ho-me-ah-quah, Ah-kes-kuck's daughters? Do you know those girls?

Mr. BROWN. No, sir.

Senator CURTIS. Do you know Chapman got deeds from both of those girls?

Mr. BROWN. I have heard so.

Senator CURTIS. They are both minors, are they not?

Mr. BROWN. I do not know.

Senator CURTIS. They are both under 18 years of age, are they not?

Mr. BROWN. I do not know.

Senator CURTIS. It is so shown by the rolls.

Mr. BROWN. Well, I do not know anything about it.

Senator CURTIS. Do you remember that poor old Indian being arrested down there on the charge of murder?

Mr. BROWN. No, sir; I never heard of that.

Senator CURTIS. Do you remember one that you found one time in charge of a policeman who was charged with having murdered a man, and you helped get him out?

Mr. BROWN. No, sir; I never saw one in that fix; emphatically no.

Senator CURTIS. Do you not remember that an old Indian was charged with killing Chah-ko-sot?

Mr. BROWN. Indeed, there was not—not to my knowledge.

Senator CURTIS. Did not the policeman turn him over to you and Conine or Grimes, and you took him over to Eagle Pass, and when he gave a deed to you people for what he thought was one piece and you included seven, you turned him over \$3,000 for seven pieces, and then he was discharged, and there was never anything more done about the murder charge, and the man he was charged with killing was alive and is still living?

Mr. BROWN. No, sir; no such charge as that was ever made.

Senator CURTIS. You resorted to a good many things, but you did not resort to that?

Mr. BROWN. Indeed, I did not resort to that.

The witness was thereupon excused, and at 6 o'clock p. m. the sub-committee took a recess until 8 o'clock p. m.

#### AFTER RECESS—NIGHT SESSION.

The committee reassembled at 8 o'clock p. m.

C. M. CADE, having been first duly sworn, testified as follows:

Senator CURTIS. What is your name?

Mr. CADE. C. M. Cade.

Senator CURTIS. Where do you live?

Mr. CADE. Shawnee, Okla.

Senator CURTIS. How long have you lived in Shawnee?

Mr. CADE. Twelve years.

Senator CURTIS. What is your business?

Mr. CADE. I am in the banking business.

Senator CURTIS. How long have you been in the banking business?

Mr. CADE. Six or seven years.

Senator CURTIS. Have you been in Shawnee all that time?

Mr. CADE. Yes, sir.

Senator CURTIS. That bank is a State national bank, is it?

Mr. CADE. Yes, sir.

Senator CURTIS. Who is president of that?

Mr. CADE. Willard Johnston.

Senator CURTIS. In his lifetime was Russell Johnson employed in that bank?

Mr. CADE. Yes, sir; as cashier.

Senator CURTIS. It is a national bank, is it?

Mr. CADE. Yes, sir.

Senator CURTIS. I will ask you to state to the committee if you remember Russell Johnson during the year 1906 going to Mexico for the purpose of buying from the Kicking Kickapoo Indians certain lands which they owned in Oklahoma in this and adjoining counties?

Mr. CADE. Yes, sir.

Senator CURTIS. About what time did he leave here?

Mr. CADE. I think along in June; I am not sure about dates.

Senator CURTIS. Did he leave early in June or the last of May?

Mr. CADE. He might have done it; I am not sure about the date.

Senator CURTIS. Do you know upon whose recommendation he went there, or what agreement, if any, there was in respect to that matter?

Mr. CADE. He went upon the recommendation of Willard Johnston and myself.

Senator CURTIS. What was the agreement or understanding?

Mr. CADE. The understanding was that he was to go there and buy some of this land when that bill was signed by the President.

Senator CURTIS. He was your agent, was he?

Mr. CADE. Yes, sir; he was our agent.

Senator CURTIS. And of course all the deeds you got are based upon his action in Mexico?

Mr. CADE. Yes, sir.

Senator CURTIS. Who, if anybody, was associated with him or aided and assisted him in getting deeds there?

Mr. CADE. L. C. Grimes went along with him.

Senator CURTIS. Did he have any interest with you people?

Mr. CADE. He did.

Senator CURTIS. What was his interest?

Mr. CADE. One had the same interest as the other.

Senator CURTIS. Then how were the lands to be divided?

Mr. CADE. He was to acquire some of that land and if any profit was made he was to share in that profit.

Senator CURTIS. Grimes had a little deal of his own, did he not? Do you know anything about that?

Mr. CADE. No, sir.

Senator CURTIS. You do not know when he went down there with Russell Johnson, representing yourself and Willard Johnston, that he was also interested with Chapman and Benson and Brown, do you?

Mr. CADE. I think that right early—I do not think there were so many in it at the start. We were among the first that made the arrangements.

Senator CURTIS. You were not in with Benson, were you?

Mr. CADE. No, sir.

Senator CURTIS. You were not in with Chapman, were you?

Mr. CADE. No, sir.

Senator CURTIS. Or Brown?

Mr. CADE. No, sir.

Senator CURTIS. You did not want to be held responsible for their conduct, did you?

Mr. CADE. No, sir; and we instructed our agent to make no combination or have anything to do with anybody except to go ahead and buy land.

Senator CURTIS. Whom did you instruct?

Mr. CADE. Russell Johnson.

Senator CURTIS. Did you give Grimes any instructions?

Mr. CADE. Not any more than he was going along and knew the country and the Indians. Russell Johnson did not know them.

Senator CURTIS. How long were you people buying land down there?

Mr. CADE. I do not know; it must have been six weeks.

Senator CURTIS. What is the date of the last title you have?

Mr. CADE. I can not tell you.

Senator CURTIS. I understand that Mr. Grimes was an equal partner with you in the proceeds?

Mr. CADE. Yes, sir.

Senator CURTIS. Were there four of you or three in that combination?

Mr. CADE. Four only; nobody else.

Senator CURTIS. C. M. Cade, Russell Johnson, Willard Johnston, and L. C. Grimes?

Mr. CADE. Yes, sir.

Senator CURTIS. Who furnished the money?

Mr. CADE. Willard Johnston and C. M. Cade.

Senator CURTIS. How much did you furnish?

Mr. CADE. I had \$5,000 that I wanted to put in it, but I think it ran over that; probably \$5,500.

Senator CURTIS. How much did Johnston put into it?

Mr. CADE. The same amount, I think; probably he bought a piece or two outside. With that I had nothing to do.

Senator CURTIS. In whose name were the titles taken?

Mr. CADE. Different ones; Willard Johnston some and some in my own.

Senator CURTIS. Did you take the name of anybody outside?

Mr. CADE. There may have been something deeded to Grimes, but I do not know.

Senator CURTIS. How was the money paid to the Indians?

Mr. CADE. Through the bank.

Senator CURTIS. What bank?

Mr. CADE. The First National Bank at Eagle Pass.

Senator CURTIS. What did you do; send checks to Russell Johnson?

Mr. CADE. I sent drafts to Russell Johnson.

Senator CURTIS. How many deeds have you that were taken under that agreement?

Mr. CADE. I have probably seven deeds here.

Senator CURTIS. I wish you would turn them over to the committee for a few minutes and we will see that they are returned to you.

Mr. CADE. There are some papers which you do not want, of course.

Senator CURTIS. We do not care about the affidavits. You mean, do you not, that the draft which you sent to Russell Johnson was sent to him alone?

Mr. CADE. Yes, sir; and the money was paid by the bank to the Indians.

Senator CURTIS. You are guessing at that, are you not?

Mr. CADE. No, sir; I am not guessing at it.

Senator CURTIS. There was not \$1,000 of that \$40,000 paid there by your men that was drawn out by these Indians—not \$1,000 of it. The committee have the checks that were forged to draw the money out of those banks. That is why I do not want you to state that you know it was paid to the Indians.

Mr. CADE. I am not telling you that it was paid except in this way. I know that Russell Johnson never told me a lie in his life. I know he told me that the bank paid this money out to the Indians and that the Indians received every dollar that those deeds called for. That is all I know.

Senator CURTIS. All you know is what he told you?

Mr. CADE. Yes, sir.

Senator CURTIS. You do not know whether the Indians received a dollar or not, personally?

Mr. CADE. No, sir; I was not there.

Senator CURTIS. You do not know whether the description in a single, solitary deed was read to the Indians?

Mr. CADE. No more than what I have been told. I relied absolutely on him.

Senator CURTIS. You do not know to what schemes either Russell Johnson or Grimes resorted to get those deeds, do you?

Mr. CADE. I was not there; no, sir. I just simply gave them the money and told them to buy the lands.

Senator CURTIS. But they were your agents?

Mr. CADE. Yes, sir.

Senator CURTIS. What was the consideration, if you know, that was paid for the land of Ah-she-nenne? You know nothing except what is mentioned in the deed?

Mr. CADE. That is all.

Senator CURTIS. I see the consideration mentioned in that deed is \$800. You know that land, do you not?

Mr. CADE. No, sir; I can not say I do.

Senator CURTIS. Do you not know that land is worth at least \$2,800?

Mr. CADE. I do not know what piece it is.

Senator CURTIS. It is the E.  $\frac{1}{4}$  SE.  $\frac{1}{4}$  sec. 2, T. 11, R. 2. Your deed says you got that land for \$800. Now, you know that land to be worth from \$2,800 to \$3,000, do you not?

Mr. CADE. I have never seen those two pieces of land, before or after.

Senator CURTIS. Now, if that land is actually worth \$2,800, it is hardly fair, is it, for you to get it for \$800?

Mr. CADE. I did not intend to buy anything without paying what it was worth, and what it was worth I did not know. The money was sent there for the purpose of buying the land.

Senator CURTIS. You do not know that your agents took Indians from Mexico and put them on the train—just hustled them over to Ciudad Porfirio Diaz and took them off the train and put them in coaches and took them over to a wagon yard and locked them up like horses and sheep and kept them there drunk, do you?

Mr. CADE. No, sir.

Senator CURTIS. That is the way these deeds were secured?

Mr. CADE. I can not believe it.

Senator CURTIS. You would have to disbelieve all the people in Eagle Pass who testified if you do not believe that.

Mr. CADE. I do not believe that the bankers down there will say but what they paid this money.

Senator CURTIS. It is not a question of paying the money out; it is the way they got the deeds.

Mr. CADE. I do not believe Russell Johnson would do anything of the kind.

Senator CURTIS. You never knew of Russell Johnson drinking, did you?

Mr. CADE. No, sir.

Senator CURTIS. You never knew of his associating with people that did drink?

Mr. CADE. He associated with a Christian class of people here. He was a church member himself. He was never accused of anything.

Senator CURTIS. You never heard of this man Grimes?

Mr. CADE. I have known him; yes, sir.

Senator CURTIS. You know that he is a pretty tough character, do you not?

Mr. CADE. We have had lots of dealings with Grimes in the way of banking.

Senator CURTIS. You know him to be a tough character, do you not?

Mr. CADE. No, sir.

Senator CURTIS. You know that a few years ago he was simply a sand hauler up here, and now he is a rich man?

Mr. CADE. No, sir. I do not know that.

Senator CURTIS. You know he has killed several people up in Harrah, do you not?

Mr. CADE. I do not know those things.

Senator CURTIS. You never heard of them?

Mr. CADE. I never heard of him being in trouble; no, sir.

Senator CURTIS. Now, here is a deed from Ah-ten-y-tuck and wife, Quo-ta-quah, to Mr. Willard Johnston. The consideration is \$1,000.

The interpreter was William Murdock. Do you know anything about William Murdock?

Mr. CADE. I just know him, that is all.

Senator CURTIS. Do you know anything about his condition while he was down there?

Mr. CADE. No, sir.

Senator CURTIS. You do not know he was drinking all the time?

Mr. CADE. No, sir; I do not.

Senator CURTIS. I notice a mortgage dated August 21, 1906, L. C. Grimes and wife to Willard Johnston and C. M. Cade. How did you come to take that mortgage?

Mr. CADE. They bought the land.

Senator CURTIS. Who did?

Mr. CADE. Grimes, I suppose, that piece.

Senator CURTIS. And he gave you \$4,250 for a piece of land that cost you \$1,000?

Mr. CADE. Well, I think it cost more than that. I do not know what it cost.

Senator CURTIS. That was the consideration mentioned in the deed. You did not pay any more than that, did you?

Mr. CADE. No, sir; I do not know.

Senator CURTIS. That is hardly fair and just between man and man, is it?

Mr. CADE. I did not know anything about it until the property was bought.

Senator CURTIS. You are a good business man, and know that if I came to you with a deed in which there is a consideration of \$800 for land worth \$4,500, that I have not got that deed squarely and fairly. You are a good enough business man to know that, are you not?

Mr. CADE. In one sense, yes; and in another sense, no. I did not know what that land was worth when it was bought. Take the lands when the restrictions were removed, and they might have bought those lands for less than they were worth; I do not know. If Mr. Johnston had paid more for it, it would have been satisfactory to me. I was not a judge.

Senator CURTIS. What connection had Graham with your business?

Mr. CADE. None.

Senator CURTIS. None at all?

Mr. CADE. No, sir. Nobody but these four parties that I have mentioned.

Senator CURTIS. Did they hire any agents or assistants down there?

Mr. CADE. That I do not know.

Senator CURTIS. You received bills from them, did you not?

Mr. CADE. We just sent the money there in a sum, and it was used by Russell Johnson and checked out with instructions to see it was properly paid over, which he told me afterwards he had done.

Senator CURTIS. You trusted Russell Johnson wholly in the matter, did you?

Mr. CADE. Yes, sir.

Senator CURTIS. You did not send any to Grimes, did you?

Mr. CADE. No, sir.



Senator CURTIS. You did not know at that time that Mr. Grimes was working with you and your people, and also working with Mr. Chapman and Mr. Benson, of the other bank, did you?

Mr. CADE. No, sir; but I believed this, that the Indians got that money. I think the parties who were down there testified to that. I was not there. I do not believe Russell Johnson would rob any man.

Senator CURTIS. He is dead now, and we will not say anything about him. You have a deed from Pah-pah-she and Ko-ke-kesh. Did you sell that land?

Mr. CADE. I can not tell you. We sold two or three pieces, but each one of us owned a piece.

Senator CURTIS. You made no effort, did you, to ascertain what the value of that land was after you got your deeds from those gentlemen?

Mr. CADE. Yes, sir; some effort was made then.

Senator CURTIS. What has been your profit on that land already?

Mr. CADE. Well, not very much. I do not know how much. We sold one piece to Smith and another piece for \$600.

Senator CURTIS. You are a pretty good judge of values, are you? You know this Kickapoo land well, do you not?

Mr. CADE. I am not as good a judge as some other people here.

Senator CURTIS. Did you not know that the land that you people and the Garrett people and the Grimes people—I mean both of these Grimeses—claimed to have paid \$80,000 for was worth over \$300,000?

Mr. CADE. I never figured on it.

Senator CURTIS. Do you think that is a square deal to the Indians or anybody else?

Mr. CADE. I believe that our deal was square with the Indians at the time.

Senator CURTIS. Do you think that a deal where you get the land that was worth \$4,000 for \$1,000 was a square deal?

Mr. CADE. I do not know what it was worth.

Senator CURTIS. Do you think you can afford to stand for a transaction of that kind where an Indian gets \$600 for land worth \$2,000?

Mr. CADE. After the bill passed Congress I thought it was our privilege to go in and buy the land. It did not make any difference to me what he paid—I had just so much money to invest.

Senator CURTIS. You do not want to say that you do not care? If you wanted to buy a piece of land from an Indian you would want to give him somewhere what it was worth?

Mr. CADE. I have always put in my bid with other people and have never protested.

Senator CURTIS. Have you made any effort to pay the difference between what you paid and the reasonable value of this land?

Mr. CADE. I never have.

The CHAIRMAN. There was no bid here?

Mr. CADE. No, sir; they just simply bought it.

The CHAIRMAN. Do you mean you would bid against somebody else who wanted it?

Mr. CADE. No; I say I have bought the land that was sold.

The CHAIRMAN. But on this piece there was no bid at all?

Mr. CADE. No, sir; I thought it was just simply open to the market and we were willing to pay the price for it.

Senator CURTIS. What does this little memorandum at the top of this deed from Ah-ten-y-tuck and Quo-ta-quah, his wife, to Willard Johnston mean—Ah-ten-y-tuck, \$100 per annum?

Mr. CADE. That was way before Russell Johnson went down there to buy that land. He went to see what the land was leased for, and what the land was leased for was something that gave me a judgment to pass on how much to pay. If the land was leased at a high price, we figured it was worth more; and if at a low price, of course, it was less.

Senator CURTIS. Do you know whether any of your money was supposed to be left in the banks to the credit of those Indians?

Mr. CADE. No, sir; none of it.

Senator CURTIS. You were not in that transaction?

Mr. CADE. No, sir; there was a great many of those pieces of land with three to four leases on them, as you will notice, and that was bidding in the future; that land was worth more three weeks ago than it is to-day, and I think it is worth more to-day than it will be three weeks from now. What it will be worth two years from now I do not know.

Senator CURTIS. Do you think you will get possession of it at that time?

Mr. CADE. I hope to get through with it at that time; yes, sir.

Senator CURTIS. You did not go down there at all?

Mr. CADE. No, sir.

Senator CURTIS. And have no personal knowledge of any of those transactions?

Mr. CADE. No, sir.

Senator CURTIS. You do not know whether the deeds were properly interpreted to the Indians; you do not know whether they got the money; you do not know whether they were drunk or sober when they signed, and you do not know whether or not they did sign?

Mr. CADE. I think, as I said a while ago, that Russell Johnson told me that they got the money—every dollar of it. That does not show the expense.

Senator CURTIS. What was your outside expense beside what the deeds cost?

Mr. CADE. I do not know; something like \$1,000 or \$1,500.

Senator CURTIS. You do not know what that was used for?

Mr. CADE. No, sir; there were two or three men down there.

Senator CURTIS. Who were they?

Mr. CADE. Russell Johnson and Grimes, and Russell's wife was there part of the time, I think.

The CHAIRMAN. Was Cal Moore there, too?

Mr. CADE. He may have gone down there.

Senator CURTIS. Do you know when those erasures were made in this deed here?

Mr. CADE. No, sir.

Senator CURTIS. You do not know but what that description was all struck out and a new description put in that deed, do you?

Mr. CADE. No, sir; I just noticed it to-night.

Senator CURTIS. You noticed that the description has been erased and another one written in. I notice the acknowledgment of the deed is changed. You do not know anything about that, do you?

Mr. CADE. No, sir; I suppose the notary there could tell you all about it; I suppose he could.

Senator CURTIS. Cal Moore witnessed some of these deeds. Was he down there in your employ?

Mr. CADE. No, sir.

Senator CURTIS. Do you know who did employ Mr. Moore?

Mr. CADE. I think he went down to buy more land.

Senator CURTIS. Were you consulted in reference to the certificates that should be made by the notary?

Mr. CADE. No, sir; I just instructed—

Senator CURTIS. Do you remember you were informed by Grimes that he objected to the law of Texas being complied with?

Mr. CADE. No, sir; I never knew that. I told Russell Johnson to take the deeds in Texas and no place else and to comply with the law and have the bank transact most of the business.

Senator CURTIS. The Texas law requires the notary when he certifies that the parties sign a deed like this to certify that he has been introduced or presented by somebody. Grimes objected to that and wanted simply to certify that they knew them. You do not know whether the notary knew them or not?

Mr. CADE. No, sir; I was not there. All I know is what instructions I gave.

Senator CURTIS. Why did you think it necessary to take affidavits—you have taken lots of affidavits to these deeds?

Mr. CADE. Well, there was a question about the law. It was a new law passed, and it was said just the Kickapoos who lived in Mexico, and my instructions to Russell Johnson were—

Senator CURTIS. You wanted to get a deed where they lived down there?

Mr. CADE. Yes, sir; I did not want to take any deed of those who did not live there.

Senator CURTIS. You did not get any deeds from minors that you know of?

Mr. CADE. None, I think; no, sir.

Senator CURTIS. You have not your expense account with you, have you?

Mr. CADE. No, sir.

Senator CURTIS. You were not interested in any of the deeds that were taken here before Guajardo, the jefe político?

Mr. CADE. I think ours were the first deeds taken.

Senator CURTIS. They were taken in Maverick County, Tex., were they?

Mr. CADE. Yes, sir.

The CHAIRMAN. All of them?

Mr. CADE. All of them.

Senator CURTIS. Did Mr. Russell Johnson tell you why he quit taking deeds down there?

Mr. CADE. No, sir; he quit because I had just so much money to put in.

Senator CURTIS. Did he not report to you when he got back that the conduct of those men was so disreputable that he could not stay there any longer?

Mr. CADE. No, sir; he did not.

Senator CURTIS. He did not tell you of the conduct of Grimes and Moore and Chapman?

Mr. CADE. He said there was lots of trouble down there.

Senator CURTIS. Did he not tell you about their having lots of whisky and mescal and the trouble they had in getting those Indians—how they had to corral them?

Mr. CADE. No, sir.

Senator CURTIS. Is it not a fact that he did stop down there just simply because he could not stand what they were doing any longer?

Mr. CADE. No, sir; he stopped because my part of the money ran out. He stayed a few days longer, I think, and bought one or two pieces more. I was not in on that.

Senator CURTIS. Who got that?

Mr. CADE. Willard Johnston. He got one piece extra.

Senator CURTIS. How much did you people get altogether?

Mr. CADE. We got about eight pieces, I think.

Senator CURTIS. How many acres?

Mr. CADE. About a section.

Mr. EMBRY. Those are 80-acre allotments.

Senator CURTIS. Do you remember Cal. Moore claiming that one of those deeds to you should have gone to him?

Mr. CADE. No, sir; I did not have anything to do with Cal. Moore.

Senator CURTIS. Did he see you here after he got back?

Mr. CADE. No, sir.

Senator CURTIS. He never made any claim to you, did he?

Mr. CADE. The loan part was made by the bank by Willard Johnston and not by me.

Senator CURTIS. Did you read Moore's testimony given in Washington?

Mr. CADE. No, sir.

Senator CURTIS. Did you take any part in the taking of depositions here lately?

Mr. CADE. None whatever.

Senator CURTIS. How many of these pieces still remain in your hands, or that of Mr. Willard Johnston?

Mr. CADE. Five pieces.

Senator CURTIS. How many have you deeded to Grimes?

Mr. CADE. One.

Senator CURTIS. Only one?

Mr. CADE. That is all, I think.

Senator CURTIS. Was that his pay for what he did down there?

Mr. CADE. No, sir.

Senator CURTIS. How much money did he put into this partnership?

Mr. CADE. He did not put in anything. We put in the money.

Senator CURTIS. Did you pay him so much a month? You said he was to be a one-fourth partner with you?

Mr. CADE. Not so much a month; no, sir.

Senator CURTIS. He was to be a one-fourth partner, was he not?

Mr. CADE. Yes, sir.

Senator CURTIS. In what?

Mr. CADE. In the profits.

Senator CURTIS. And he was to put in no money?

Mr. CADE. No, sir.

Senator CURTIS. Who paid his expenses down there?

Mr. CADE. We did, I suppose. It all came out of this money that came to the bank.

Senator CURTIS. Then if he was getting his expenses out of the other portion—

Mr. CADE. The expense was part payment—whatever the difference shows the Indian got.

Senator CURTIS. You do not understand my point. I say if Grimes got paid his expenses from you and also from the other people he was getting double pay, was he not?

Mr. CADE. He would be, if he got paid both ways.

Mr. EMBRY. I see this little memorandum attached to the top of some of these deeds—for instance, the deed of Wee-hah-me-hah to William F. Ramsier, for one year from January 1, 1906, at \$25 per annum. Now you say that refers to a lease on the land?

Mr. CADE. Yes, sir; I do not think the land is worth as much as we paid for it.

Mr. EMBRY. What is the consideration there?

Mr. CADE. The consideration is recited as \$200.

Mr. EMBRY. That is not the one; \$2,000, is it not?

Mr. CADE. I do not know anything about that.

Mr. EMBRY. That is what it refers to?

Mr. CADE. It refers to the land.

Mr. EMBRY. Have you verified that sufficiently to know that these notes are correct?

Mr. CADE. Yes, sir; I know it just in this way, that we sent here to the office and had it verified by Mr. Johnston.

The CHAIRMAN. What office?

Mr. CADE. Mr. Thackery's office; to see how long the lease ran.

Senator CURTIS. And what the amount was?

Mr. CADE. The lease ran three or four years, which took away the value of the land. It takes away the value of any land.

Senator CURTIS. But you got the lease money after that, did you not?

Mr. CADE. It is tied up now; nobody gets it.

Senator CURTIS. You expected to get the lease money?

Mr. CADE. Yes, sir; but it was very low.

Senator CURTIS. Well, if you paid only \$200 for it, that was not very low, was it?

Mr. CADE. It was a piece of land that they leased for about \$200 maybe.

Mr. EMBRY. Here is a deed signed by Chah-ka-sot, the consideration being recited as \$1,850, and the note attached says "Chah-ka-sot to Oscar Pipher for four years from January 1, 1906, at \$75 per annum."

Mr. CADE. Yes, sir; that runs until 1910 before we get possession of it. As I told you a while ago, it takes away the value of the land.

Mr. EMBRY. Have you got possession of any of this land?

Mr. CADE. No, sir; it is just leased. The parties are living on it.

Mr. EMBRY. Are they your tenants or the agent's tenants? The agent still retains possession with his tenants?

Mr. CADE. Yes, sir.

Mr. EMBRY. Does he still retain possession of that which you have sold?

Mr. CADE. No, sir; I think probably the lease has run out on that. Where it is leased you can hardly sell it at all, unless you get the man off on the lease.

Mr. EMBRY. Have you examined any of this land personally to say what it is worth?

Mr. CADE. Yes, sir; two pieces.

Mr. EMBRY. What two pieces are they?

Mr. CADE. They are up the river here; I forget the fellow's name. One where we commenced suit about getting him off of it; Mr. Thackery may know the one. It was to get the tenant off. He did not build a house as per contract. I have seen that, and it is very poor. It is a very poor piece of land. Then I have seen a piece above Monclova. It is a good piece of land. They are the only two I have seen.

Mr. EMBRY. You have five of those tracts now in your name, have you—you and Willard Johnston, have you

Mr. CADE. No, sir; Willard has one, and I have one, and Russell one, and Grimes one. Then there is one piece I am talking about where there is a lease on it and not sold.

Mr. EMBRY. In whose name is that?

Mr. CADE. I do not know in whose name it is, whether it is mine or in the name of Willard Johnston, one or the other.

Mr. EMBRY. You have some three, one to Smith. How much did Smith give you for that?

Mr. CADE. Two thousand five hundred dollars, I think.

Mr. EMBRY. Has he paid it all?

Mr. CADE. Yes, sir.

Mr. EMBRY. What is the other piece worth?

Mr. CADE. Five hundred and fifty dollars.

Mr. EMBRY. To whom did you sell that?

Mr. CADE. I do not know; but it is a very good piece of land, they say. I have never seen it.

Mr. EMBRY. Has he paid for it?

Mr. CADE. Yes, sir.

Mr. EMBRY. Now, the other tract, the third, how about that?

Mr. CADE. That is all that has been sold, that I am interested in, just those two pieces.

Mr. EMBRY. You say there are only two sold that you are interested in?

Mr. CADE. Yes, sir.

Mr. EMBRY. Have they paid up in full, the purchasers?

Mr. CADE. Yes, sir.

Mr. EMBRY. They have paid in full?

Mr. CADE. Yes, sir.

Mr. EMBRY. Have you and the other people divided the profits realized from those two pieces?

Mr. CADE. We just deeded the tracts around. I took a piece of so much, and another at so much, and another at so much.

Mr. EMBRY. How does your money come out of it? You advanced the money to buy it. Have you divided the land?

Mr. CADE. Mr. Grimes paid for his. Russell Johnson paid for his, and I owe for mine yet.

Mr. EMBRY. They paid you their proportion of the price?

Mr. CADE. The four of us have this one piece not disposed of.

Mr. EMBRY. Then, there is only one tract you have in your name?

Mr. CADE. I have one in my name.

Mr. EMBRY. And a one-fourth interest in another tract?

Mr. CADE. Yes, sir.

The CHAIRMAN. How much money did you put in this enterprise, all of you?

Mr. CADE. About \$11,000. That is in this, and Johnston had some outside of this. I was interested in about \$11,000 in round numbers.

The CHAIRMAN. How many acres did you get for \$11,000?

Mr. CADE. I think I got about eight 80's—640 acres.

The CHAIRMAN. That is pretty cheap property, is it not?

Mr. CADE. Some of it is very cheap. One 80 is worth nothing by itself, unless you can own the piece next to it. By itself it is not worth anything. There is another 80 that we sold up there that is not worth any more than we paid for it. I do not suppose it would sell for that to-day. These two pieces taken out, one piece is extra good, and the rest is some upland and some bottom; two are poor pieces.

Mr. EMBRY. You were not down there and do not know what took place down there?

Mr. CADE. I was not there at all.

The witness was thereupon excused.

J. P. JACOBS, having been first duly sworn, testified as follows:

Senator CURTIS. What is your name?

Mr. JACOBS. J. R. Jacobs.

Senator CURTIS. Where do you live?

Mr. JACOBS. At Shawnee.

Senator CURTIS. How long have you lived here?

Mr. JACOBS. About seven years.

Senator CURTIS. What is your profession?

Mr. JACOBS. I have been engaged principally in the newspaper business since I have been here. I have nothing to do now. I am a man of leisure.

Senator CURTIS. How long have you been out of the newspaper business?

Mr. JACOBS. About three months. I am not at present a newspaper man.

Senator CURTIS. What were you doing in 1906?

Mr. JACOBS. I was in the newspaper business.

Senator CURTIS. What were you doing in 1907?

Mr. JACOBS. I was in the newspaper business part of the time.

Senator CURTIS. Did you at any time go to Mexico to assist parties in buying Kickapoo Indian lands?

Mr. JACOBS. Yes, sir; I did.

Senator CURTIS. When?

Mr. JACOBS. The latter part of December, 1906.

Senator CURTIS. With whom did you go?

Mr. JACOBS. I went with George Kishketon, Pe-ah-twi-tuck and Tah-pah-she.

Senator CURTIS. Who else?

Mr. JACOBS. That was all.

Senator CURTIS. Who paid their expenses?

Mr. JACOBS. I paid one of their expenses.

Senator CURTIS. Which one?

Mr. JACOBS. George Kishketon.

Senator CURTIS. Did he go as your interpreter?

Mr. JACOBS. Yes, sir; he went for that purpose.

Senator CURTIS. Whom did you represent?

Mr. JACOBS. Mr. Garrett.

Senator CURTIS. John Garrett?

Mr. JACOBS. Yes, sir.

Senator CURTIS. Did John Garrett come down there afterwards?

Mr. JACOBS. Yes, sir.

Senator CURTIS. When did he come down?

Mr. JACOBS. I believe he came in a week after I was there, if I remember correctly.

Senator CURTIS. Did you buy any land for yourself?

Mr. JACOBS. I did, some land that was deeded to Mr. Garrett that I am interested in.

Senator CURTIS. It is in Garrett's name?

Mr. JACOBS. Yes, sir.

Senator CURTIS. How many tracts did you people buy?

Mr. JACOBS. I will have to take an inventory before I can tell you.

Senator CURTIS. You have one tract in Hood's name?

Mr. JACOBS. Yes, sir.

Senator CURTIS. Then you claim an interest with Garrett in the land that is in Hood's name?

Mr. JACOBS. Yes, sir.

Senator CURTIS. There are two pieces in Hood's name. Which do you claim an interest in?

Mr. JACOBS. There is one that is in his name which should be in Garrett's name.

Senator CURTIS. Why should it be in Garrett's name?

Mr. JACOBS. For the simple reason that his name was inadvertently inserted in it.

Senator CURTIS. How was that?

Mr. JACOBS. I do not know. I am trying to think of the Mexican interpreter's name that did stenographic work when I read it over. He got it down and got it mixed and never noticed it.

Senator CURTIS. When you read he would write it down?

Mr. JACOBS. He would.

Senator CURTIS. You read the name, did you not?

Mr. JACOBS. Yes, sir; but overlooked it, and so reported it when I came back.

Senator CURTIS. You overlooked it when you read it to the Indian, did you not?

Mr. JACOBS. I read it to the Indian and so did the interpreter.

Senator CURTIS. You read it to the Indian as it was?

Mr. JACOBS. Yes, sir.

Senator CURTIS. Did you not discover then that it was wrong?



Mr. JACOBS. I did not notice it.

Senator CURTIS. Then you read to the Indian that he was selling to Hood, when he was really selling it to Garrett?

Mr. JACOBS. Yes, sir; that is, 40 acres.

Senator CURTIS. How much did you pay that Indian for that land?

Mr. JACOBS. Two hundred dollars.

Senator CURTIS. When did you pay it?

Mr. JACOBS. He got part of it the day he made the deed, and he got the rest of it, I think, four or five days after.

Senator CURTIS. How much was that land worth?

Mr. JACOBS. You have as much conception about that as I have.

Senator CURTIS. No; I have not. You live down here.

Mr. JACOBS. I never saw it. It may be a lake.

Senator CURTIS. You know it is not a lake, do you not?

Mr. JACOBS. I do not know anything about it.

Senator CURTIS. Have you been trying to get that Indian to take any money for that land since?

Mr. JACOBS. No, sir; I have never seen him since.

Senator CURTIS. Has Mr. Garrett?

Mr. JACOBS. No, sir.

Senator CURTIS. And you had the assistance of whom down there in all your transactions?

Mr. JACOBS. The deeds that I took, I can not say I had the assistance of anybody but myself.

Senator CURTIS. You met Doctor Conine down there, did you not?

Mr. JACOBS. Yes, sir.

Senator CURTIS. He was working with Garrett, was he not?

Mr. JACOBS. Yes, sir.

Senator CURTIS. He was under Garrett's pay, was he not, and you knew it?

Mr. JACOBS. I did not know. I never understood it that way. I understood he was interested in land, not under pay. If he was, it was something new to me.

Senator CURTIS. Interested in what land?

Mr. JACOBS. This land.

Senator CURTIS. To you?

Mr. JACOBS. Yes, sir.

Senator CURTIS. How much interest has he got in that land?

Mr. JACOBS. One-fifth.

Senator CURTIS. Doctor Conine has?

Mr. JACOBS. That is the tract; I suppose so.

Senator CURTIS. Have you that tract?

Mr. JACOBS. It is over there recorded in three counties, Lincoln, Pottawottamie, and Oklahoma counties.

Senator CURTIS. Then if he swore he had an interest in it, and you paid him \$125 a month, he lied about it, did he?

Mr. JACOBS. Yes; if he swore that I paid him anything.

Senator CURTIS. Or Garrett?

Mr. JACOBS. I do not know what Garrett did.

Senator CURTIS. Mr. Conine did a great deal of work for you people, did he not?

Mr. JACOBS. No, sir; no work for me that I considered.

Senator CURTIS. Whom did you people regard here as the "Old Woman?" You tried to get a deed from an old woman. Who was she? What was her name?

Mr. JACOBS. I will have to look to find out. I think it is Kah-ke-ne-pe-ah.

Senator CURTIS. That was a consumptive woman, was it not?

Mr. JACOBS. Yes, sir; a woman about 63 years old.

Senator CURTIS. Did you get a deed from her?

Mr. JACOBS. I do not know whether Grimes got that deed or me; I do not remember.

Senator CURTIS. Are you sure about that, that you do not remember?

Mr. JACOBS. Yes, sir.

Senator CURTIS. Do you not know that neither of you got a deed from her?

Mr. JACOBS. No, sir; I do not know anything about it.

Senator CURTIS. Do you not know that the woman was nearly dead with consumption and could not get out of her tent?

Mr. JACOBS. I do not know that.

Senator CURTIS. Do you claim that she left her tent and went out to make a deed?

Mr. JACOBS. I do not know anything about it.

Senator CURTIS. You saw the old woman, did you not? Don't you know from what you saw of that woman that she was so near dead with consumption that she could not get out of her tent, and when you gentlemen claimed you had a deed from her you forged her name?

Mr. JACOBS. I do not know anything of the kind.

Senator CURTIS. You saw the woman, did you not?

Mr. JACOBS. I saw her get off the train when she got there.

Senator CURTIS. After she was taken to her tent, she was unable to leave that camp. Do you not know that?

Mr. JACOBS. I say personally I do not.

Senator CURTIS. And you got a deed from that old woman nearly dead with consumption. You were very anxious to get her, were you not? You worked a long while to get that old woman?

Mr. JACOBS. I never worked ten minutes.

Senator CURTIS. Did not you people wait until Murdock and Effie Douglas left before you tried to get her?

Mr. JACOBS. I did not know that Murdock was ever in Mexico in my life.

Senator CURTIS. Did you know Mohawk?

Mr. JACOBS. Steve Mohawk? Yes, sir; I took his deed.

Senator CURTIS. And you took Effie Douglas's deed?

Mr. JACOBS. No, sir; I did not.

Senator CURTIS. Then you waited until Steve Mohawk and Effie Douglas left before you asked to get that old woman?

Mr. JACOBS. I did not.

Senator CURTIS. Do you know how much was paid the old woman for her land, if anything?

Mr. JACOBS. Sixteen hundred dollars was what she was to get.

Senator CURTIS. How much did she get?

Mr. JACOBS. I did not pay her anything myself.

Senator CURTIS. You know. You were down there with those people.

Mr. JACOBS. No, I do not know.

Senator CURTIS. There has been no account rendered of it, has there?

Mr. JACOBS. Yes, sir.

Senator CURTIS. Then you know this. Look at your memorandum book and tell us. You have it in there, have you not?

Mr. JACOBS. I say she was—

Senator CURTIS. Produce that book and tell us. You have it in there.

Mr. JACOBS. No, sir; I have not got it in that book.

Senator CURTIS. Then we will put the book in the record.

Mr. JACOBS. Just take a copy. I might want that book.

Senator CURTIS. Let me have the book. I will read it over to-night [referring to memorandum book]. What is this, Pah-pe-she—P in red ink?

Mr. JACOBS. That indicates that I wrote to Washington and got a patent for the land. That is what that indicates. Wherever you see a red P that means that the patent has been filed in the respective counties where the land is located.

Senator CURTIS. You mean you wrote to Washington, to the Land Office?

Mr. JACOBS. Yes, sir; the United States Land Office, Washington, D. C.

Senator CURTIS. To see whether it was issued?

Mr. JACOBS. No, sir; but they sent me a copy of the patent.

Mr. EMBRY. You mean copy of the trust patent, the first patent?

Mr. JACOBS. The patent issued by the General Land Office to the Indian.

Mr. EMBRY. The first patent, not the final patent?

Mr. JACOBS. I do not know whether it is final or first; I am unable to say.

Senator CURTIS. Do you not know that you people only paid that old woman \$400?

Mr. JACOBS. I told you I did not know whether she got a 5-cent piece or not.

Senator CURTIS. You do not know whether she got 5 cents?

Mr. JACOBS. No, sir; I did not do the paying.

Senator CURTIS. What are the drinks for here in this bill of yours?

Mr. JACOBS. They are not drinks.

Senator CURTIS. Here is "Drinks 85 cents."

Mr. JACOBS. That was expense I met when I was making a campaign here, and I set it down when I spent it.

Senator CURTIS. You kept a couple of Indians locked up in Tecumseh, did you not, before you took them down?

Mr. JACOBS. No, sir; I did not.

Senator CURTIS. Did you keep them there to take them down?

Mr. JACOBS. There were three Indians who stayed all night over there before they got on the train. They went over about Kishketon's bond.

Senator CURTIS. What was the matter with Kishketon that he needed a bond?

Mr. JACOBS. He was arrested, I think, for some purpose.

Senator CURTIS. For drinking?

Mr. JACOBS. No, sir; I do not think that was it.

Senator CURTIS. Did George drink down in Mexico or Eagle Pass?

Mr. JACOBS. He drank some down at Monclova—I think that night to excess. He may have taken a few drinks of beer, but never got full.

Senator CURTIS. Was Grimes interested with you, if at all?

Mr. JACOBS. No, sir.

Senator CURTIS. Did you pay Steve Mohawk fully for his land?

Mr. JACOBS. No, sir.

Senator CURTIS. How much do you owe him?

Mr. JACOBS. \$1,700.

Senator CURTIS. How much did you pay him?

Mr. JACOBS. \$100.

Senator CURTIS. And he does not want to sell at all, does he?

Mr. JACOBS. I gave him a check for it, and he came around and told me to keep the check for him.

Senator CURTIS. You heard him testify here the other day that he did not want to sell it, and that you had loaned him some money and he gave you a deed, and supposed he was giving you a note, and you have offered him \$1,700 since, and he did not take it.

Mr. JACOBS. I did not tell him that, and he knows it.

Senator CURTIS. Have you given him a mortgage for it?

Mr. JACOBS. No, sir.

Senator CURTIS. Have you sold the land?

Mr. JACOBS. No, sir.

Senator CURTIS. You have still got it in your name?

Mr. JACOBS. As far as I know.

Senator CURTIS. Did you ever pay him \$100?

Mr. JACOBS. Yes, sir.

Senator CURTIS. Was that Mexican or gold?

Mr. JACOBS. Gold.

Senator CURTIS. And you owe him \$1,700 yet?

Mr. JACOBS. Yes, sir.

Senator CURTIS. Then you have not executed a mortgage?

Mr. JACOBS. No, sir.

Senator CURTIS. Do you want this committee to understand that anybody would sell a piece of land for \$1,800 and take \$100 for it down, and take your word for the balance?

Mr. JACOBS. He did not have my word for it.

Senator CURTIS. He has your note?

Mr. JACOBS. No, sir; he had the check for it, and came around, as I said, and gave it to me and told me to keep it for him. I came home and gave it to Mr. Garrett. He said he was going down in a few days and said he would deliver it to him.

Senator CURTIS. He has not delivered it to him yet, has he?

Mr. JACOBS. I do not know that he has.

Senator CURTIS. That land is worth \$4,000, is it not?

Mr. JACOBS. I do not think so. That is the best piece of land that was deeded.

Senator CURTIS. And you did not pay anything for it except that \$100?

Mr. JACOBS. One thousand eight hundred dollars.

Senator CURTIS. But you have not paid it?

Mr. JACOBS. I have it to pay.

Senator CURTIS. Why did you not give him a mortgage on it? Why did you not go to the Indian agent and settle up like a man with him?

Mr. JACOBS. He has not been here very long, and I have not had a chance—I mean the Indian agent.

Senator CURTIS. You know the Indian told this committee that he did not want to sell that land?

Mr. JACOBS. He knew he sold it. He is not any fool.

Senator CURTIS. He testified before this committee that he had not sold it.

Mr. JACOBS. He talks English and Mexican, and Steve knows; he knows what he is doing.

Senator CURTIS. What other land have you got in your name?

Mr. JACOBS. I have not got any in my name except by contract.

Senator CURTIS. What understanding did you and Grimes have?

Mr. JACOBS. Grimes was to give me a full knowledge of the situation, and Mr. Garrett and Mr. Conine and myself are interested according to certain contracts which appear on the record over here.

Senator CURTIS. A one-fourth interest?

Mr. JACOBS. No, sir.

Senator CURTIS. One-fifth?

Mr. JACOBS. No, sir; Garrett has thirty-three per cent: I think Grimes has twenty-seven per cent, and Conine and I have twenty, apiece.

Senator CURTIS. That is of record, is it?

Mr. JACOBS. It is a matter of record.

Senator CURTIS. In whose names are the pieces?

Mr. JACOBS. They are all in Garrett's name.

Senator CURTIS. How many deeds did you take from that sick woman?

Mr. JACOBS. I told you I did not remember whether I took the deed or Grimes took the deed.

Senator CURTIS. Well, if you took it, how many did you take?

Mr. JACOBS. My impression is Grimes took the deed, and took some heirs with it. It seems to me like there were one or two that was for fractions of land.

The CHAIRMAN. When owned by the heirs or somebody?

Mr. JACOBS. Yes, sir.

Senator CURTIS. Have you people sold any of these pieces?

Mr. JACOBS. Not that I know of.

Senator CURTIS. Are they still in your name?

Mr. JACOBS. Yes, sir.

Senator CURTIS. How much money did you put into this?

Mr. JACOBS. I was only out about \$360 myself.

Senator CURTIS. All told?

Mr. JACOBS. Yes, sir.

Senator CURTIS. How much did Grimes put in it?

Mr. JACOBS. I do not know how much.

Senator CURTIS. He could not have put in any more than you did, if he has only the same interest, could he?

Mr. JACOBS. Mr. Garrett was to furnish the money.

Senator CURTIS. How much money did Garrett furnish?

Mr. JACOBS. I do not remember just exactly what it was. Something like, if I remember correctly, six or seven thousand dollars.

Senator CURTIS. How many acres of land did you people get for six or seven thousand dollars?

Mr. JACOBS. I will have to figure up on that.

Senator CURTIS. You got one piece that was worth over thirty-five hundred dollars, did you not?

Mr. JACOBS. No, sir; there are no 80 acres of that land in that country worth that, unless it is by reason of being up near towns. I sold one at fifteen hundred dollars three years after, in Lincoln County. You can not go on what land is worth this year as to what it will be worth next year.

Senator CURTIS. You do not know what is in those fractions?

Mr. JACOBS. I never saw them.

Senator CURTIS. How many acres have you?

Mr. JACOBS. There are five 80s.

Senator CURTIS. How many fractions?

Mr. JACOBS. I think there are three fractions.

Mr. BENTLEY. You have an 80 and one-seventh of an 80?

Mr. JACOBS. Yes, sir.

Mr. BENTLEY. Did you see Tony Alexander down there?

Mr. JACOBS. No, sir.

Mr. BENTLEY. You know him, do you?

Mr. JACOBS. Yes, sir.

Mr. BENTLEY. You did not see him down there?

Mr. JACOBS. No, sir; he was not down there, because I did not see him or hear of him. In fact, I think he was in Tennessee.

Mr. BENTLEY. This money that you put up, how did you put that, in expenses?

Mr. JACOBS. Mine was in expenses.

Mr. BENTLEY. Was that all of your expenses?

Mr. JACOBS. No, sir; I spent more than that.

Mr. BENTLEY. You have not your expense account in that book, have you?

Mr. JACOBS. No, sir; I spent more than that. I do not know just what.

Mr. BENTLEY. You went down below Tecumseh and got on the train with those people?

Mr. JACOBS. I got on at the station, the first station south of Tecumseh. I do not remember the name of it.

Mr. BENTLEY. Why did you not get on here?

Mr. JACOBS. I did not want to; I had reasons.

Mr. BENTLEY. What were your reasons?

Mr. JACOBS. I did not want to come in conflict with——

Mr. BENTLEY. The authorities?

Mr. JACOBS. No, sir; not particularly that.

Mr. BENTLEY. Those people came right back here, did they not; those people that you got deeds from?

Mr. JACOBS. No, sir.

Mr. BENTLEY. They are back here now, are they not?

Mr. JACOBS. Yes, sir.

Mr. BENTLEY. They were nonresidents and you knew it, and you took them down there to get their deeds from them, did you not?

Mr. JACOBS. No, sir. I kept them from going before they did go. I wanted them to go with me.

Mr. BENTLEY. You wanted to get them?

Mr. JACOBS. Yes, sir; I wanted them myself.

Mr. BENTLEY. And you took them down here 6 miles out of their way to keep them away from the agent, did you not?

Mr. JACOBS. Yes, sir; I did.

Mr. BENTLEY. And you kept him from bringing them back, did you not?

Mr. JACOBS. Yes, sir; that is what we did it for.

Mr. BENTLEY. And you knew at the time they were not citizens of Mexico?

Mr. JACOBS. I did not slip them down there. They claimed they lived there.

Mr. BENTLEY. You knew they did not live there, did you not?

Mr. JACOBS. I did not know anything of the kind.

Mr. BENTLEY. Where did they live?

Mr. JACOBS. I suppose they lived here.

Mr. BENTLEY. You knew at the time they did not live there, did you not?

Mr. JACOBS. No, I did not.

Mr. BENTLEY. You told them to go and get on the train, did you not?

Mr. JACOBS. I kept them from going and told them to go and wait and go with me.

Mr. BENTLEY. Whose house did they stay in?

Mr. JACOBS. I do not know: that house over there back of where Jim Gill lives.

Mr. BENTLEY. I do not know where Jim Gill lives.

Mr. JACOBS. Neither do I.

Mr. BENTLEY. How far was it from the depot?

Mr. JACOBS. It was in the southern part of the town.

Mr. BENTLEY. What time of the night did you get on the train?

Mr. JACOBS. About 10 o'clock in the morning.

Mr. BENTLEY. What time did you leave here?

Mr. JACOBS. About 3 o'clock in the afternoon.

Mr. BENTLEY. Who went with you, 3 o'clock in the afternoon?

Mr. JACOBS. The street car was full of people. I do not know who was on it.

Mr. BENTLEY. Who went with you? You know what I mean.

Mr. JACOBS. The street car was full of people.

Mr. BENTLEY. Whom did you take, I say?

Mr. JACOBS. I didn't take anybody. I went over there to sign a bond.

Mr. BENTLEY. For Kishketon to get out of jail?

Mr. JACOBS. No, sir.

Mr. BENTLEY. And he was to take these Indians with you?

Mr. JACOBS. No, sir.

Mr. BENTLEY. He was acting as your interpreter?

Mr. JACOBS. When we were down there; yes.

Mr. BENTLEY. And he did act as your interpreter?

Mr. JACOBS. Yes, sir.

Mr. BENTLEY. You know you had to hide the Indians away from the agent. If he found out they were there he might take them from you?

Mr. JACOBS. Yes, sir.

Mr. BENTLEY. How long did they stay in Mexico?

Mr. JACOBS. I do not know.

Mr. BENTLEY. You stayed there longer than they did, did you not?

Mr. JACOBS. No, sir; I lived in Mexico.

Mr. BENTLEY. How long were you down there?

Mr. JACOBS. About five weeks.

Mr. EMBRY. In the deed which appears to be made to John Garrett by Kah-ke-ne-peah, the consideration recited is \$1,600. This statement shows that the consideration was \$1,600, Kah-ke-ne-peah to John Garrett. Do you know whether any of that money was paid to her or not?

Mr. JACOBS. I understand it was, just from what I have been told.

Mr. EMBRY. You have no personal knowledge of it?

Mr. JACOBS. No, sir; I did not see any money paid.

Mr. EMBRY. You do not know of your own personal knowledge whether any of it was paid?

Mr. JACOBS. No, sir; I did not see any of it paid. It was money turned over to be paid to them.

Mr. EMBRY. To be turned over to whom?

Mr. JACOBS. Some to Mr. Grimes and some to Mr. Conine, and Mr. Garrett told me he paid the residue.

Mr. EMBRY. You have no personal knowledge of that?

Mr. JACOBS. No, sir.

Mr. EMBRY. There is another deed from Kah-ke-ne-pah for her daughter; that is an heirship to John Garrett. It recited the consideration as \$150. Was any money paid in that case?

Mr. JACOBS. Grimes was to settle that; I did not see that money paid to either of those parties.

Mr. EMBRY. You had no knowledge that any was paid?

Mr. JACOBS. No, sir; I have no personal knowledge except information.

Mr. EMBRY. Here is a deed from Mesh-ah-quot to John Garrett; deed dated March 2, 1907. Do you know anything about that?

Mr. JACOBS. I do not know anything about it.

Mr. EMBRY. You do not know whether anything was paid there or not?

Mr. JACOBS. I do not know. He has a deed to it.

Mr. EMBRY. That boy has lived here all his life, has he not?

Mr. JACOBS. All I know is from hearsay, if you want to know that. I understand that.

Mr. EMBRY. Is it not a fact that you came into the probate court over there when they were trying to get Thackery discharged as guardian, and that Harry Smith then and there testified in the probate court that he had not been to Mexico, and that he wanted the guardian discharged so that he could go to Mexico, or that in substance?

Mr. JACOBS. If I did it was because I am mistaken in the name of the Indian. I never had any transaction with an Indian by that name that I know of.

Mr. EMBRY. You have no interest in that deed yourself?

Mr. JACOBS. No, sir; I have no interest in it. That is something I do not know anything about.

Mr. EMBRY. Here is Mie-nah to John Garrett; deed dated January 31, 1907.

Mr. JACOBS. I think that is one of those fractions.

Mr. EMBRY. Which recites a consideration of \$1,000. Do you know whether any money was paid on that?



Mr. JACOBS. I can tell from my memorandum. [After consulting memorandum]: No; I was not present. That was taken after I came home. That was Mr. Garrett who took that down there.

Mr. EMBRY. Now, here is Penne-ho-ne-ah to E. E. Hood. Do you know anything about that?

Mr. JACOBS. Yes, sir; I bought that property.

Mr. EMBRY. You say that land should have been deeded to you?

Mr. JACOBS. That one is properly deeded. That is Mr. Hood's.

Mr. EMBRY. You say that that was properly deeded?

Mr. JACOBS. Yes, sir.

Mr. EMBRY. The consideration is \$200. Is that a fraction?

Mr. JACOBS. Yes, sir; and Penne-ho-neah was an heir to an undivided interest; something of that kind. It is a fraction.

Mr. EMBRY. It is the heirship here that should have been conveyed to you?

Mr. JACOBS. In the fraction it should have been to Mr. Garrett. The CHAIRMAN. Who is it conveyed to; Mr. Hood?

Mr. JACOBS. Yes, sir.

Mr. EMBRY. Do you know whether any money was paid on that?

Mr. JACOBS. Yes, sir; I paid it.

Mr. EMBRY. How much did you pay?

Mr. JACOBS. I paid it all.

Mr. EMBRY. Two hundred dollars?

Mr. JACOBS. For the fraction.

Mr. EMBRY. What kind of money did you pay it in?

Mr. JACOBS. We got \$2,000 for \$1,000—that is, Mexican—2 for 1. Sometimes some was in American and sometimes it was in Mexican. His was all in gold, or if it was not it was double the amount. In this 80 he got \$500, which would be \$250 American, and I understood Mr. Hood gave him—I do not know what else—about \$200 or \$300.

Mr. EMBRY. Here is a deed of Wes-ko-peth-o-que, daughter of Me-paw-ke-quah, to John Garrett. What do you know about that?

Mr. JACOBS. I was not present when those were taken.

Mr. EMBRY. You do not know whether anything was paid on that?

Mr. JACOBS. I do not. That was taken after I left.

Mr. EMBRY. Here is Tah-pah-she to John Garrett, consideration \$700. Do you know whether anything was paid on that?

Mr. JACOBS. I know that he got \$500 gold—that is, American money.

Mr. EMBRY. Did you see it paid?

Mr. JACOBS. I paid \$100 and I saw Mr. Garrett give him \$200.

Mr. EMBRY. Here is a deed dated December 24, 1906, consideration \$1,800. On this he paid \$100 and gave a check, he claims, for the residue, which Peah-twy-tuck returned to him for Steve Mohawk, or returned it to Garrett, and the Indian now refuses to take it. Steve Mohawk was one of the boys that went away at the time, was he?

Mr. JACOBS. He went down with me.

Mr. EMBRY. What other Indian went with you?

Mr. JACOBS. Charlie Me-sha-she, some call him. It is Tah-pah-she.

Mr. EMBRY. Steve Mohawk is one of the Indians who went down below Tecumseh to take a train?

Mr. JACOBS. Yes, sir; he had a ticket to go the day before.

Mr. EMBRY. How many Indians did you take that time?

Mr. JACOBS. There were just four of us—three Indians and myself.

Mr. EMBRY. Tah-pah-she, Steve Mohawk, Kishketon, and yourself?

Mr. JACOBS. Yes, sir.

Mr. EMBRY. Tah-pah-she and Steve Mohawk had been over in this country how long at that time?

Mr. JACOBS. I do not know how long they had been back from Mexico. They were down there, I do not know how long.

Mr. EMBRY. They had been here so long that Thackery had been appointed their guardian by the probate court in this country, had he not?

Mr. JACOBS. I do not know.

Mr. EMBRY. Do you not understand that Thackery was their guardian at the time and took them away?

Mr. JACOBS. No, sir; it was afterwards.

Mr. EMBRY. You learned it afterwards?

Mr. JACOBS. Yes, sir; after we came back from Mexico.

Mr. EMBRY. And you learned afterwards that he was guardian for all these Indians from whom you took deeds?

Mr. JACOBS. Yes, sir; after I came back from Mexico. Then I quit.

Mr. EMBRY. Do you know Py-o-kah (Millie Stevens)?

Mr. JACOBS. No, sir.

Mr. EMBRY. Do you know anything about Grimes and your crowd getting a deed from her?

Mr. JACOBS. I do not know anything about that transaction.

Mr. EMBRY. Has there been any accounting between yourself, Garrett, Conine, and Grimes?

Mr. JACOBS. There never has been a full statement; no, sir.

Mr. EMBRY. Who kept the account?

Mr. JACOBS. I simply reported what money I had spent, and Mr. Garrett and I supposed the other boys did the same.

Mr. EMBRY. Have you a written statement of the accounts between you?

Mr. JACOBS. No, sir.

Mr. EMBRY. If anybody has anything of that kind, it is Garrett?

Mr. JACOBS. Yes, sir; if anybody has he has.

Mr. EMBRY. We want you or Mr. Garrett or somebody interested in it to produce it to-morrow.

Mr. JACOBS. I have not got it myself.

Mr. EMBRY. All you have is here [indicating the head]?

Mr. JACOBS. Yes, sir.

The CHAIRMAN. What was the service that you rendered to Mr. Garrett and Mr. Grimes for the 20 per cent you were to have out of the profits? What did you do to earn that money?

Mr. JACOBS. Do you mean my services rendered?

The CHAIRMAN. Yes. What did you do to entitle you to 20 per cent?

Mr. JACOBS. I drew up the deeds and made the deal with the Indians.

The CHAIRMAN. You made the deal?

Mr. JACOBS. Yes, sir; and they made the agreement.

The CHAIRMAN. With all the Indians?

Mr. JACOBS. Not all of them: those that I took deeds of.

Senator CURTIS. Then you only got 20 per cent of what you did sell?

Mr. JACOBS. No, sir; we were not in the consideration. Mr. Grimes and they took some after I left.

Senator CURTIS. How did Grimes get more than you did, if each was putting his talent against that of the other?

Mr. JACOBS. If a man knows more than another he is entitled to more. He was more familiar with that kind of work than I was.

Senator CURTIS. That is true. A good lawyer is worth more than a poor lawyer.

Mr. JACOBS. That land that Hood has is not worth what he gave for it.

Senator CURTIS. What did you get it for him for, then?

Mr. JACOBS. I bought it by guess.

Senator CURTIS. You took the piece that was worth \$3,500?

Mr. JACOBS. I did not see it. I do not know.

Senator CURTIS. You took it for \$3,500, and you put off the poor tract on Hood, did you not?

Mr. JACOBS. That is what he got.

The CHAIRMAN. You did not pay \$3,500, did you?

Mr. JACOBS. No, sir.

The CHAIRMAN. But you thought it might be worth \$3,500?

Mr. JACOBS. No, sir; I did not. It was not worth it except on account of location.

The CHAIRMAN. What did you pay for that piece of land?

Mr. JACOBS. Something over \$1,800.

The CHAIRMAN. You said you had 400 acres besides the fractions. You do not know what they were?

Mr. JACOBS. No, sir; just simply small pieces. I do not know how many acres of land they consisted of. I do not know anything about the land there. I have never seen but two pieces of land.

The CHAIRMAN. I am asking you about the land that you got. You said you had 400 acres?

Mr. JACOBS. There were five 80's, and I think the rest of it is fractions.

The CHAIRMAN. That would be 400 acres.

Mr. JACOBS. Yes, sir.

The CHAIRMAN. That is all you know for certain, but you did get some more?

Mr. JACOBS. Yes, sir. I do not know how many acres.

The CHAIRMAN. How much did you say the whole thing cost you?

Mr. JACOBS. I would have to look at the deeds.

The CHAIRMAN. You can come pretty near it. You said between six and seven thousand dollars.

Mr. JACOBS. Yes, sir.

The CHAIRMAN. Well, what is it—nearer six thousand dollars than seven thousand?

Mr. JACOBS. I can not tell you. Garrett can tell you about that.

The CHAIRMAN. You got a pretty cheap piece of land, did you not?

Mr. JACOBS. I did not expect to pay what it was worth, or I would not have bought it.

The CHAIRMAN. About what percentage did you expect to pay?

Mr. JACOBS. It was just simply guessing at it. I had never seen the land, and judging from the location of the land, I just took a chance.

The CHAIRMAN. You bought it without seeing it, did you?

Mr. JACOBS. Yes, sir; I might have seen it, but I do not know it.

Senator CURTIS. And yet you took that Indian down there and paid his way?

Mr. JACOBS. No, sir; he had a ticket himself.

Senator CURTIS. You paid the interpreter's way, did you not?

Mr. JACOBS. Yes, sir; I paid those expenses.

Senator CURTIS. You guessed well for yourself, and badly for the lawyer?

Mr. JACOBS. It would have been better for me if I had guessed well for him.

The CHAIRMAN. How much did you figure that that land cost you?

Mr. JACOBS. If I remember correctly from Garrett's statement something like six or seven thousand dollars. I do not remember.

The CHAIRMAN. Suppose you call it \$7,000. It was not above that was it?

Mr. JACOBS. No, sir; I do not think it was.

The CHAIRMAN. You got this land for \$17.50 an acre, did you not?

Mr. JACOBS. Yes, sir; and it is not worth that for farming purposes.

The CHAIRMAN. What did you buy it for?

Mr. JACOBS. You take a piece up here in town, and it would be ten times what it would be worth for farming purposes.

The CHAIRMAN. You bought it on speculation, and now you pretend to say you paid \$17.50 an acre and it is not worth that?

Mr. JACOBS. I would not have paid more than it was worth.

The CHAIRMAN. You knew it was not worth that when you bought it? You stated a while ago you did not expect to pay its value.

Mr. JACOBS. Not if I knew it. I would not pay more than a thing is worth, unless I lose my mind.

The CHAIRMAN. Has Garrett ever seen this land?

Mr. JACOBS. I do not know.

The witness was thereupon excused.

JOHN GARRETT, having first been duly sworn, testified as follows:

Senator CURTIS. What is your name?

Mr. GARRETT. John Garrett.

Senator CURTIS. What is your business?

Mr. GARRETT. Saloon business.

Senator CURTIS. How long have you lived here?

Mr. GARRETT. About seven years.

Senator CURTIS. You went out of business Saturday night?

Mr. GARRETT. No, sir; I have been out six years.

Senator CURTIS. Well, did you go down to Mexico for the purpose of buying some Indian lands?

Mr. GARRETT. Yes, sir.

Senator CURTIS. Who went with you?

Mr. GARRETT. I went with Mr. E. E. Hood.

The CHAIRMAN. Lawyer Hood?

Mr. GARRETT. Yes, sir.

Senator CURTIS. Who else were with you?

Mr. GARRETT. There were two Indians on the train. I can not recall their names.

Senator CURTIS. You knew them, did you not?

Mr. GARRETT. Yes, sir.

Senator CURTIS. Did you get a deed from either of them?

Mr. GARRETT. Yes, sir; I bought their lands.

Senator CURTIS. Did you go down the same time that the witness who has just left the stand went down?

Mr. GARRETT. No, sir; I did not.

Senator CURTIS. How long after did you go down?

Mr. GARRETT. Probably ten days.

Senator CURTIS. What was the condition of those Indians that you took down with you?

Mr. GARRETT. I did not take any.

Senator CURTIS. Did Mr. Hood take any?

Mr. GARRETT. No, sir.

Senator CURTIS. They were on the same train?

Mr. GARRETT. They were on the train when I got on.

Senator CURTIS. Did you see the Indians?

Mr. GARRETT. Yes, sir.

Senator CURTIS. Were they old or young Indians?

Mr. GARRETT. No, sir; they were not old Indians. I think the name of one was Johnny Mine. No, not Mine; the one-eyed woman, George Mienah and his wife.

Senator CURTIS. How long had you known them around here?

Mr. GARRETT. I had seen them around here.

Senator CURTIS. You had seen them coming down on the train?

Mr. GARRETT. Yes, sir; they were on the train.

Senator CURTIS. How long had they been down there before you took their deed?

Mr. GARRETT. They were down there probably about a week. They claimed to be residents there before.

Senator CURTIS. They are back here now, are they not?

Mr. GARRETT. No, sir; I do not think they are.

Senator CURTIS. Do you know whether they came back or not?

Mr. GARRETT. I do not think they did; no, sir. I am positive they did not.

Senator CURTIS. Who was your partner in those deals?

Mr. GARRETT. In those two pieces?

Senator CURTIS. Yes.

Mr. GARRETT. L. C. Grimes, R. C. Conine, and J. R. Jacobs.

Senator CURTIS. How many other deeds have you got?

Mr. GARRETT. That they are not interested in?

Senator CURTIS. Yes.

Mr. GARRETT. I have one deed.

Senator CURTIS. In whose name is that?

Mr. GARRETT. In my name.

Senator CURTIS. From whom did you buy that?

Mr. GARRETT. Harry Smith. I do not know what his Indian name is.

Senator CURTIS. What did you pay for it?

Mr. GARRETT. Either six or seven hundred dollars. I bought that right here.

Senator CURTIS. The Indian never went away?

Mr. GARRETT. Yes, sir; he had been down there.

Senator CURTIS. And you took a deed here?

Mr. GARRETT. Yes, sir.

Senator CURTIS. He came back here and you took a deed from him?

Mr. GARRETT. Yes, sir; I took it here.

Senator CURTIS. You took the deed here?

Mr. GARRETT. Yes, sir.

Senator CURTIS. Is he still here in the country?

Mr. GARRETT. Yes, sir; he is still here. He came back from Mexico when they brought a bunch of Indians back. I believe he came back with Clark.

Senator CURTIS. And was here when you took the deed?

Mr. GARRETT. I think I took the deed a good while ago, but here lately he came back. I took the deed here in town.

Senator CURTIS. And he went to Mexico before you took the deed?

Mr. GARRETT. He had been there?

Senator CURTIS. Did he go there afterwards?

Mr. GARRETT. Yes, sir.

Senator CURTIS. What other property have you got in your name or in the name of either of those other gentlemen?

Mr. GARRETT. I have not got any. I am not interested in anything they have.

Senator CURTIS. How many pieces have you in your own name?

Mr. GARRETT. I have fractions and I think between 7 and 9 pieces.

Senator CURTIS. Do you remember this old woman that we asked the other witness about?

Mr. GARRETT. Yes, sir.

Senator CURTIS. Did you get a deed from her?

Mr. GARRETT. Yes, sir.

Senator CURTIS. Where?

Mr. GARRETT. It was mailed to me here.

Senator CURTIS. You were here at that time, were you?

Mr. GARRETT. Yes, sir.

Senator CURTIS. You were not down there?

Mr. GARRETT. No, sir; I was not.

Senator CURTIS. You were very anxious to get her down there, were you not?

Mr. GARRETT. No, sir; not particularly.

Senator CURTIS. Then why did you send this dispatch to Conine: "Steve Mohawk, Effie Douglas gone to Shawnee. Can you get old woman here quick? Answer."

Mr. GARRETT. Yes, sir; I will tell you why I said that. It was because my attorney told me to take a double deed, to get a deed on this side as well as that side, and I wanted to finish paying her her money, and that was the reason I paid her her money.

Senator CURTIS. You did not pay her all her money?

Mr. GARRETT. No, sir.

Senator CURTIS. How much did you pay her?

Mr. GARRETT. Three hundred dollars when I went to Mexico.

Senator CURTIS. How much did you agree to pay her?

Mr. GARRETT. I do not know; the deeds will show. I did not buy that piece of land at all. Conine and Jacobs were down there then. Senator CURTIS. They are the people who did the business?

Mr. GARRETT. They are the ones.

Senator CURTIS. They bought the land, did they?

Mr. GARRETT. One or the other took the deed; I do not know which. I have not got anything to withhold from this committee.

Senator CURTIS. You got a wire from Grimes, did you?

Mr. GARRETT. Yes, sir; I got a wire from Grimes and sent him \$700, I believe.

Senator CURTIS. Four hundred dollars, was it not?

Mr. GARRETT. Seven hundred dollars.

Senator CURTIS. Here is a dispatch, "Send \$700 for old woman."

Mr. GARRETT. There are two.

Senator CURTIS. All for the old woman?

Mr. GARRETT. I do not know whether he said that.

Senator CURTIS. Why was it necessary for you to want him to bring the old woman over quick?

Mr. GARRETT. I wanted to get away from there. I was there on expenses.

Senator CURTIS. But how was it you sent that dispatch, "Steve Mohawk and Effie Douglas started for Shawnee?"

Mr. GARRETT. I had settled with Effie Douglas. I had paid for her land and Steve Mohawk's land was purchased. She had \$300 coming to her and I gave her checks for it.

The CHAIRMAN. You said it was purchased for \$1,800?

Mr. GARRETT. There were two pieces of land; one was for Effie Douglas and one for Steve Mohawk. I was trying to explain why I sent that telegram.

Senator CURTIS. And you wanted to do it quick?

Mr. GARRETT. No, sir; I had been down there. This was the third time, and I was trying to make a settlement with the Indians. I wanted to give them the money through a bank so I would have something to show for it, and I refused to send any more money into Mexico because I wanted to have the check there. That is why I wanted it done quick.

Senator CURTIS. Did you keep the accounts?

Mr. GARRETT. Yes, sir.

Senator CURTIS. Have you got them?

Mr. GARRETT. Yes, sir; I have them with me.

Senator CURTIS. Will you submit them to the committee to-morrow?

Mr. GARRETT. Yes, sir.

Senator CURTIS. You got a deed for a piece of property, that deed for the south half of the northwest quarter of 5-12-1. The consideration mentioned is \$1,600; deed from Kah-ka-ne-peah. Do you know anything about that deed?

Mr. GARRETT. Is that not the old woman that was referred to?

Senator CURTIS. Yes.

Mr. GARRETT. No, sir; I was not there when that deed was taken. I made her the payment after that.

Senator CURTIS. Where did you see her to make the payment?

Mr. GARRETT. In her tent in the village.

Senator CURTIS. Was she sick then?

Mr. GARRETT. No, sir; she had been swimming that morning.

Senator CURTIS. In regard to that land that you bought, the deed says \$1,600. How much money did you really pay her?

Mr. GARRETT. Three hundred dollars.

Senator CURTIS. How much of the balance was paid her?

Mr. GARRETT. I will have to get the lease to show you.

Senator CURTIS. Was she paid the balance of \$1,600?

Mr. GARRETT. I am unable to tell you until I get the lease.

Senator CURTIS. That land was worth from \$2,300 to \$2,400, was it not?

Mr. GARRETT. I have never seen it. I believe it is a good piece of land. Of course, you realize that anybody who would come down and buy land would want to make something on it.

Senator CURTIS. Was this man Grimes with you in all of those transactions?

Mr. GARRETT. Yes, sir; L. C. Grimes.

Senator CURTIS. You saw him down there, did you?

Mr. GARRETT. Yes, sir.

Senator CURTIS. You saw Doctor Conine?

Mr. GARRETT. Yes, sir.

Senator CURTIS. Did you pay Doctor Conine any money for his services?

Mr. GARRETT. There was a proposition to Doctor Conine that we would pay 20 per cent on the land or give him a salary, either one. He had a contract for the land and he would either switch that for a salary or take an interest in the land, and I do not know which he has taken. We never had a settlement.

Senator CURTIS. Here is a deed from Kah-ke-ne-peah, for daughter to John Garrett, dated December 1, 1906. You got that for \$150?

Mr. GARRETT. That is just a fraction.

Senator CURTIS. It is appraised at \$3,500.

Mr. GARRETT. That could only be a fraction; that is, the deed was sent in to me. Do you not find that she deeded in that way?

Senator CURTIS. I do not find that.

Mr. GARRETT. Do you not find that this is deeded to someone else, that fraction?

Senator CURTIS. No, there is a lease, John Garrett to George R. King, one-third interest, consideration \$150.

Mr. GARRETT. I made that lease. But listen, I never bought a piece of land as cheap as \$150.

Senator CURTIS. That is what your deed shows, acknowledged before Lobo, and George Kishketon was the interpreter.

Mr. GARRETT. There must be two pieces of land.

Senator CURTIS. He was your interpreter, was he not?

Mr. GARRETT. You must find two pieces of land bought from the same party, and you will find that the 80 was paid more for.

Senator CURTIS. Please produce it.

(The witness here produced the paper.)

Senator CURTIS. Here is a deed, Nash-quatt to John Garrett, March 2, 1907, lots 1, 2, 3, 22, 12, 1, \$700?

Mr. GARRETT. Yes, sir.

Senator CURTIS. You had no interpreter at that time and no witnesses. Do you know where you took that deed?

Mr. GARRETT. It was taken in Monclova.



Senator CURTIS. Did you not take that here before Mr. W. S. Search?

Mr. GARRETT. I took one deed before Search. That Indian reads and writes and signs his own name. He received part of his money from the bank.

Senator CURTIS. Here is a deed from Mi-neah to John Garrett. The consideration for that deed is \$1,000.

Mr. GARRETT. Yes, sir; I took that myself.

Senator CURTIS. That land is worth \$2,000, is it not?

Mr. GARRETT. I never saw it, but I suppose it is a good piece of land.

Senator CURTIS. Did you see that woman sign that in Mexico?

Mr. GARRETT. Yes, sir; I saw the man and woman both sign. Those were the only two deeds I took myself.

Senator CURTIS. Did the man and woman make that deed?

Mr. GARRETT. Yes, sir; they made their mark.

Senator CURTIS. How did it happen that it is only signed by one?

Mr. GARRETT. I do not know. I leave that to my attorney.

Senator CURTIS. Then you did not see them both sign?

Mr. GARRETT. I think in one deed you will find they both signed, and in the other they did not.

Senator CURTIS. I read to you the west half of the northeast quarter of 33-12-2 for \$1,000 and another tract for \$1,000 appraised at \$1,600 and only signed by Mineah.

Mr. GARRETT. That is the man, I guess. He only signed for one.

Senator CURTIS. Then you are mistaken about the woman signing?

Mr. GARRETT. She signed one; I don't know which it was now.

Senator CURTIS. You were present before the judge when that was signed?

Mr. GARRETT. Yes, sir.

Senator CURTIS. What was George Kish-ke-ton's condition that day?

Mr. GARRETT. The day they were signing he was all right.

Senator CURTIS. George was drunk most of the time down there, was he not?

Mr. GARRETT. He drank some; yes, sir. He was not drunk most of the time, but he would take a drink.

Senator CURTIS. Here is a piece of property you get from Wes-kope-tho-que, Effie Douglas.

Mr. GARRETT. I did not take that deed at all.

Senator CURTIS. Did you see that deed signed?

Mr. GARRETT. No, sir.

Senator CURTIS. Who took that for you?

Mr. GARRETT. L. C. Grimes.

Senator CURTIS. You do not know whether that girl was drunk or sober when she signed that deed, do you?

Mr. GARRETT. I never knew of her drinking any. She might have been drunk. I know Effie Douglas. She is the most intelligent Kickapoo Indian in this country, and I never knew of her drinking.

Senator CURTIS. She was not the one. I had reference to another girl. The consideration in that deed was \$800.

Mr. GARRETT. Yes, sir.

Senator CURTIS. That land is worth \$2,000.

Mr. GARRETT. I would like to get \$1,500 for it.

Senator CURTIS. It is appraised at \$1,600. You got another tract from her, did you not?

Mr. GARRETT. I got an 80 and 40 for \$800.

Senator CURTIS. How about the consideration in the deed as \$800 in each deed?

Mr. GARRETT. I did not put in at all. It is not right.

Senator CURTIS. So you got those two pieces for \$800?

Mr. GARRETT. Yes, sir.

Senator CURTIS. They are worth anyhow \$3,000, are they not? Was that a square deal to those Indians?

Mr. GARRETT. Will you allow me to ask a question? I submitted a proposition to the Interior Department that I had gone down there and bought my land in good faith, and if they thought I had not paid enough for that land I was willing to submit them a proposition that I be allowed to appoint an appraiser and they appoint one, and those two to select another. I would like to present that paper to the committee.

Senator CURTIS. Are you willing to do that now?

Mr. GARRETT. Yes, sir.

Senator CURTIS. Then I have no further questions to ask you.

Mr. GARRETT. I have nothing to hold back from the committee at all.

The proposition is as follows:

*To the honorable Commissioner of Indian Affairs, Washington, D. C.*

SIR: At different times during the year I have purchased in good faith nine tracts of land from nonresident Kickapoo Indians, and paid therefor what I considered a reasonable consideration. The property was purchased after the approval of the act removing the restrictions from the nonresident Kickapoos and purchased in the best of faith. It is impossible to give a complete description of the property without having the deeds immediately present, but the names and descriptions will be furnished if you so desire. Since the purchase of these lands the Government has filed cases in injunction seeking to enjoin the disposal of the same. While I do not concede the validity of the Government's case, I am willing to adjust all cases in which I am interested if the same can be done with fairness to all parties. I therefore, in good faith, submit the following propositions:

A committee of arbitration or appraisers to be appointed, as follows: One to be selected by the Indian Department, one to be selected by me, and a third to be selected by the two first chosen. It shall be the duty of this board of appraisers to visit said tracts of land, and after a personal inspection, estimate the value thereof and if the value so estimated be greater than the price I have paid, then in that event I agree to pay forthwith to the Indian agent, or whoever the Department names, the difference between the purchase price and the appraised value. When I shall have paid the appraised value as above set out, the Government or its authorized agent to approve the deeds already made or issue patents for the same.

I very respectfully and earnestly solicit an early consideration of this proposition.

Respectfully submitted.

Mr. JACOBS. I desire to say to the committee that we authorized Mr. Garrett, those of us who are interested together, Mr. Grimes and myself, to make this proposition to the Interior Department to appoint these appraisers, and if they are not right we are willing to do what is right about it.

The CHAIRMAN. You know what the appraisement is, do you not?

Mr. JACOBS. No, sir; I have not given it any thought.

At 10.30 o'clock p. m. the committee adjourned until to-morrow, November 19, at 9 o'clock a. m.

SHAWNEE, OKLA., *November 19, 1907.*

The subcommittee met at 9 o'clock a. m.

Present: Senators Teller (chairman) and Curtis; also Mr. John Embry, United States attorney for Oklahoma, and Mr. M. J. Bentley, representing the Mexican Kickapoo Indians.

WILLARD JOHNSTON, having been first duly sworn, testified as follows:

Senator CURTIS. What is your name?

Mr. JOHNSTON. Willard Johnston.

Senator CURTIS. What is your business?

Mr. JOHNSTON. I am in the banking business.

Senator CURTIS. How long have you been in the banking business?

Mr. JOHNSTON. About twelve or thirteen years.

Senator CURTIS. In Shawnee?

Mr. JOHNSTON. Yes, sir.

Senator CURTIS. With what bank are you connected?

Mr. JOHNSTON. The State National Bank.

Senator CURTIS. Mr. Cade is also connected with that bank, is he?

Mr. JOHNSTON. Yes, sir.

Senator CURTIS. Was Mr. Russell Johnson, in his lifetime, connected with that bank?

Mr. JOHNSTON. Yes, sir.

Senator CURTIS. In what capacity was he connected with it?

Mr. JOHNSTON. As assistant cashier.

Senator CURTIS. I wish you would state to the committee if at any time during the year 1906 you entered into a combination with any other persons in this city or county or State to buy lands of the Kickapoo Indians who were then in Mexico.

Mr. JOHNSTON. Yes, sir.

Senator CURTIS. Who were the gentlemen, and what was the understanding between them?

Mr. JOHNSTON. Mr. C. M. Cade, Russell Johnson, and Mr. Grimes.

Senator CURTIS. L. C. Grimes?

Mr. JOHNSTON. Yes, sir.

Senator CURTIS. Now state what the agreement was.

Mr. JOHNSTON. The agreement was that Mr. Cade and I were to furnish the money to buy a few pieces of land. Russell Johnson and Mr. Grimes were to buy the land and sell it and we were to divide the profits.

Senator CURTIS. In carrying out that agreement who did you send to Mexico?

Mr. JOHNSTON. Russell Johnson.

Senator CURTIS. Who else?

Mr. JOHNSTON. We did not send Mr. Grimes, but he was there.

Senator CURTIS. He went there, did he?

Mr. JOHNSTON. Yes, sir; he was there.

Senator CURTIS. Was he representing you?

Mr. JOHNSTON. I do not know whether he was representing us or not.

Senator CURTIS. He was your partner, was he not?

Mr. JOHNSTON. I do not think he was particularly representing us.

Senator CURTIS. He and Johnson were working together, were they not?

Mr. JOHNSTON. In some things; yes, sir.

Senator CURTIS. Were they not working together with you?

Mr. JOHNSTON. They were working together with regard to lands.

Senator CURTIS. Who else did they employ?

Mr. JOHNSTON. Nobody else.

Senator CURTIS. Who acted as interpreter for them?

Mr. JOHNSTON. I do not know.

Senator CURTIS. Did they instruct you to send them an interpreter?

Mr. JOHNSTON. No, sir.

Senator CURTIS. Do you not know that they did have an interpreter?

Mr. JOHNSTON. I do not think so.

Senator CURTIS. Now, of course you know that as a partner you are responsible for the acts of your agents in Mexico, and you have your title based upon that conduct?

Mr. JOHNSTON. Yes, sir.

Senator CURTIS. You bought land from those Indians and held possession of some of it, and you got it for about one-sixth of its value—some of it, did you not?

Mr. JOHNSTON. I do not think so; we got some of it cheap, however.

Senator CURTIS. You got some at one-fifth of its value, did you not?

Mr. JOHNSTON. I do not think so.

Senator CURTIS. You got one piece of land for \$800 that was worth \$4,000, did you not?

Mr. JOHNSTON. No, sir.

Senator CURTIS. What is the largest bargain you made according to your figures, or the best bargain?

Mr. JOHNSTON. I could not say which was the best bargain.

Senator CURTIS. Russell Johnson was your agent down there, was he not?

Mr. JOHNSTON. Yes, sir.

Senator CURTIS. If he hired a drunken interpreter, you are responsible, are you not?

Mr. JOHNSTON. I do not think he hired a drunken interpreter.

Senator CURTIS. If the evidence showed that the interpreter he hired was drunk, and we have evidence that he hired him and had him brought there, you are responsible, are you not?

Mr. JOHNSTON. Not if we did not instruct him to do so.

Senator CURTIS. If you secured a deed by reason of his employing a drunken interpreter, and that interpreter misrepresented the facts, you are responsible, are you not?

Mr. JOHNSTON. I do not know anything about that.

Senator CURTIS. I will read this dispatch: "Russell Johnson, Eagle Pass, Tex. Come at once; bring Harry and Willie. Everything right. Answer." You knew what Harry and Willie meant?

Mr. JOHNSTON. No, sir; I did not.

Senator CURTIS. They are two Indian interpreters, Henry and Willie Murdock. One Indian interpreter on the stand, paid by you, swore that he was drunk all the time.

Mr. JOHNSTON. I never paid him a dollar in my life.

Senator CURTIS. Well, your agent paid him?

Mr. JOHNSTON. I never paid him a dollar in my life.

Senator CURTIS. Well, your agent paid him, did he not?

Mr. JOHNSTON. Not that I know of.

Senator CURTIS. Russell Johnson paid everybody who worked for him, did he not?

Mr. JOHNSTON. I suppose so; I did not know that he had an interpreter working for him. He never advised me that he had an interpreter working for him.

Senator CURTIS. Would not this dispatch indicate whether or not he had an interpreter working for him: "How long shall I hold Henry. Sent his folks home. Do you need me? Answer here. send mail sure to-day." That is from Russell Johnson to A. T. Brown. What do you think about that? Do you know anything about it?

Mr. JOHNSTON. I do not know anything about it.

Senator CURTIS. How much money did you place to the credit of those gentlemen?

Mr. JOHNSTON. At Eagle Pass?

Senator CURTIS. Yes; how much did you send them from here?

Mr. JOHNSTON. All told, I think we sent them about \$13,000.

Senator CURTIS. You had Russell Johnson down on the ground there before that bill became a law, did you not?

Mr. JOHNSTON. Yes, sir.

Senator CURTIS. And you sent him down there in anticipation of the passage of that bill, did you not?

Mr. JOHNSTON. Yes, sir.

Senator CURTIS. What were your instructions to him as to buying land—as to the price he should pay?

Mr. JOHNSTON. We told him to buy it as cheap as he could, and if he could not buy it cheap not to buy it at all.

Senator CURTIS. I guess he bought it cheap enough.

Mr. JOHNSTON. I do not think so.

Senator CURTIS. Do you not know that you have not got a piece of land but that you have doubled your money on?

Mr. JOHNSTON. Yes, sir; I know we have land—

Senator CURTIS. Do you not know that the land that was bought by your crowd and by the Chapman crowd and by the Grimes crowd, for which you gentlemen claimed to pay \$40,000, is worth \$300,000, and you got your share of it?

Mr. JOHNSTON. I do not know about that. I know as to our land I made less money on it.

Senator CURTIS. Would you turn your lands back to those Indians?

Mr. JOHNSTON. Yes, sir; if they want it.

Senator CURTIS. Will you make a deed of the land back to the Government?

Mr. JOHNSTON. Yes; this land that we have not sold.

Senator CURTIS. Will you pay the assessed value of this land to those Indians—the appraised value of the land? Are you willing to give those Indians what their land is worth?

Mr. JOHNSTON. I did give it to them.

Senator CURTIS. You say you gave those Indians what their land was worth?

Mr. JOHNSTON. I think so; yes, sir.

Senator CURTIS. And you say to this committee that you believe that?

Mr. JOHNSTON. This is the idea: I expected to make a profit out of the land or I would not have gone into it.

Senator CURTIS. And you to-day, banker as you are, are not willing to say to this committee that you will do justice to these Indians?

Mr. JOHNSTON. I think I have done justice; I have always tried to.

Senator CURTIS. Some poorer people who have been before this committee are willing to do justice to the Indians, but you bankers do not seem willing.

Mr. JOHNSTON. I have always bought land as cheap as I could.

Senator CURTIS. You know Doctor Conine, do you not?

Mr. JOHNSTON. Yes, sir; I have met him.

Senator CURTIS. You know his position down in Mexico, do you not?

Mr. JOHNSTON. No, sir; I never heard of him until after this deal.

Senator CURTIS. You knew that your man, Russell Johnson, whom you had down there was in cahoots with him and working with him, did you not?

Mr. JOHNSTON. No, sir.

Senator CURTIS. Let me show you that he was. Here is a telegram to R. C. Conine, dated Eagle Pass, Tex., June 19, 1903: "Bill in hands of President. Bentley is here. Get passports for Indians you bring. When do you start?" That shows he was working with Conine, does it not?

Mr. JOHNSTON. It looks like it.

Senator CURTIS. Here is another one: "To R. C. Conine"—and I will say that I am reading these telegrams to you to show you what your agents did down there.

Mr. JOHNSTON. I will say that I did not know that Russell Johnson ever knew Conine until he came up here, after he was down there.

Senator CURTIS. I want to show you who your man, Russell Johnson, who was your agent, and for whose acts you are responsible, associated with down there, and what they resorted to to get these deeds: "R. C. Conine, Musquiz. Bill is signed. Where is Grimes? Wire Eagle Pass who he has. Answer here." That is signed by Russell Johnson. I want to call your attention to another dispatch, because we hope you will read this testimony when we get through with it: "Russell Johnson, Eagle Pass, Tex.: Come at once. Bring Henry and Willie? Everything all right. Answer."

Now this property deeded to Cade, from Ah-nes-shenne to C. M. Cade, June 23, 1906, for the E.  $\frac{1}{4}$  SW.  $\frac{1}{4}$  sec. 2, T. 11, R. 2; do you know that piece of land? You sold it to Reuben Smith.

Mr. JOHNSTON. Yes, sir.

Senator CURTIS. You paid the Indians \$800 for that land, did you?

Mr. JOHNSTON. Yes, sir.

Senator CURTIS. And you say to this committee that that was all it was worth.

Mr. JOHNSTON. No, sir; I said under the circumstances—not what we are going to get for it.

Senator CURTIS. Then, on October 19, you sold that same land to Smith for \$2,500?

Mr. JOHNSTON. Yes, sir.

Senator CURTIS. You virtually robbed those Indians out of \$1,700, did you not?

Mr. JOHNSTON. No, sir; I took a chance on it. If we had it now we could not get a thousand dollars for it.

Senator CURTIS. Is that the kind of profit you bankers want to make down there?

Mr. JOHNSTON. Yes, sir; whenever we can.

Senator CURTIS. I want to call your attention to another transaction. Here is a deed from Ah-ten-y-tuck and wife to Willard Johnston—that is yourself?

Mr. JOHNSTON. Yes, sir.

Senator CURTIS. You paid \$900 for that, did you not?

Mr. JOHNSTON. What is the number of it—I do not remember the number.

Senator CURTIS. They are lots 4 and 5 in sec. 23, T. 12, R. 1. You paid the Indians for that land \$925, did you not?

Mr. JOHNSTON. I do not remember.

Senator CURTIS. That is the consideration mentioned in the deed. You did not pay more than the consideration mentioned in the deed; did you?

Mr. JOHNSTON. No, sir.

Senator CURTIS. In some cases you did not pay that much, did you.

Mr. JOHNSTON. I paid the exact amount that was mentioned in the deed in every case.

Senator CURTIS. You sold that same land to Mr. Grimes for \$4,250, did you not, for a 40 or an 80?

Mr. JOHNSTON. That is the same description exactly. I do not know whether it is a 40 or an 80.

Senator CURTIS. You sold it to Grimes for \$4,250 on the 20th of August, did you not?

Mr. JOHNSTON. I think there is an error in that.

Senator CURTIS. The records ought not to err.

Mr. JOHNSTON. I think the records will show that—

Senator CURTIS. You gave the Indians all the land was worth at the time, did you?

Mr. JOHNSTON. Well, I do not know about that.

Senator CURTIS. You said a moment ago that you did.

Mr. JOHNSTON. In some cases I said we did; in some cases we gave what it was worth.

Senator CURTIS. In how many cases out of the whole number?

Mr. JOHNSTON. In one or two cases we can not get out on, and that is one piece up here that I would like to turn back to them.

Senator CURTIS. You would not agree to turn back the good land to them.

Mr. JOHNSTON. No, sir; I would not want to do that. We got stuck on one or two pieces; we had to take our chances on it. We have one piece that is nothing but a lake.

Senator CURTIS. Here is a deed from Chah-ko-sot to C. M. Cade, the consideration in the deed being \$1,850. That is the east half of the northeast quarter of sec. 14, T. 12, R. 1. Did you pay that Indian what it was worth.

Mr. JOHNSTON. Yes, sir. There is a four years' lease on that.

Senator CURTIS. Then why did you sell that land to John F. Everest for \$3,500, if that was all it was worth?

Mr. JOHNSTON. I did not do it.

Senator CURTIS. You got a deed from Mr. Cade and wife to Mr. Everest, did you not?

Mr. JOHNSTON. I never sold any land to Everest.

Senator CURTIS. There is a deed here just the same. It is Ernest instead of Everest. You got that, did you not?

Mr. JOHNSTON. Yes, sir.

Senator CURTIS. And you took a mortgage for \$1,500?

Mr. JOHNSTON. Yes, sir. The fellow would like to get it turned back.

Senator CURTIS. You robbed them out of that \$2,000, did you not?

Mr. JOHNSTON. No, sir; I do not think we did.

Senator CURTIS. Well, you say it is not worth \$1,500 and you got \$3,500, and there was only a mortgage of \$1,500; that shows that there is \$2,000 in your bank or in your pocket.

Mr. JOHNSTON. I think we made a good profit when we sold it.

Senator CURTIS. And you are willing to have the man who holds the mortgage hold the bag, are you not?

Mr. JOHNSTON. I did not have anything to do with that.

Senator CURTIS. As a matter of fact, you are in favor of anybody holding the bag but yourself?

Mr. JOHNSTON. I am not a judge of that. He is as good a judge as I am.

Senator CURTIS. Here is another piece of property from Kee-sheck-ko-tha and wife to Willard Johnston, of the east half of the northeast quarter of sec. 4, T. 11, R. 2, for \$2,000. What do you say about that property; is that all it is worth?

Mr. JOHNSTON. Practically so; yes, sir. It is in very bad condition.

Senator CURTIS. That property has been appraised by disinterested appraisers at \$4,800.

Mr. JOHNSTON. I would like to see a man get that for it.

Senator CURTIS. I do not suppose anybody would give you anything for it, because they do not suppose you have a title.

Mr. JOHNSTON. What is it rented for?

Senator CURTIS. I do not know.

Mr. JOHNSTON. There was not \$100 worth of stuff raised on it this year, and this is a pretty good year.

Senator CURTIS. I want to call your attention to a deed from Kah-pah-o-mah to Willard Johnston, dated June 23, 1906, being the east half of the northwest quarter of sec. 14, T. 12, R. 1, for \$1,750. Is that all that land is worth?

Mr. JOHNSTON. Yes, sir; there is a long-time lease on it.

Senator CURTIS. That land has been appraised at \$3,500.

Mr. JOHNSTON. We have been trying to sell it for \$2,500 for eighteen months and can not do it.

Senator CURTIS. That is the cause of this trouble, I suppose.

Mr. JOHNSTON. No, sir; it has been since this trouble came up.

Senator CURTIS. Do you not know that there has been trouble about these lands since the time these deeds were recorded; do you not know that your partner, Grimes, had to go into court to get a



guardian discharged for minors, and do you not know that the matter has been in court and that the Indian agent, Mr. Thackery, has been trying to get possession of this land, and all of you people have had information that it was in controversy?

Mr. JOHNSTON. Mr. Thackery, as Indian agent, refused to accept any of the lease money and turned over all the lease papers to us.

Senator CURTIS. What lease did he ever turn over to you?

Mr. JOHNSTON. That was all.

Senator CURTIS. What did he say to you about it?

Mr. JOHNSTON. He did not say anything at all. We showed him our deeds.

Senator CURTIS. And he turned those papers over to you?

Mr. JOHNSTON. They refused to accept the lease money.

Senator CURTIS. Mr. Thackery did that, did he?

Mr. JOHNSTON. Yes, sir; we supposed it was absolutely all right, and that there was no question about it; we never thought but that it was all right.

Senator CURTIS. Here is another piece of property deeded by Mah-puo-the-eck to Russell Johnson. You paid \$500 for that property. What was that property worth?

Mr. JOHNSTON. What are the numbers of it?

Senator CURTIS. It is lots 3 and 4 of sec. 5, T. 10, R. 3; \$500. What is that land worth that you paid \$500 for?

Mr. JOHNSTON. I think that is a piece up here on the railroad, a very rough piece of land, worth probably seven or eight hundred dollars.

Senator CURTIS. Yet you sold it on the 27th day of August, 1906, to Nikslous.

Mr. JOHNSTON. That is not the same piece of land.

Senator CURTIS. That is the piece of land I have read to you.

Mr. JOHNSTON. Then I am mistaken about it.

Senator CURTIS. You sold that piece of land that you got from that man for \$500 for \$2,000, did you not?

Mr. JOHNSTON. That was a different piece of land from the land I thought it was.

Senator CURTIS. And you took a mortgage on it for \$1,000. Has that mortgage been paid off?

Mr. JOHNSTON. No, sir; there is another piece of land in that same section that I still have.

Senator CURTIS. Here is a piece of property deeded by Pah-pe-ah-she and his wife to Cade of lots 5, 6, and 7. You gave \$600 for that property. What is that worth?

Mr. JOHNSTON. Is that in section 5?

Senator CURTIS. Yes.

Mr. JOHNSTON. It is worth about six or seven hundred dollars.

Senator CURTIS. It has been appraised at \$900.

Mr. JOHNSTON. I would like to get that for it.

Senator CURTIS. Now, I have read you a description of every piece of property, and there is not one that has been mentioned but what has been appraised, and what is not deemed worth double, and from double to three times what you paid for it, except the last piece.

Mr. JOHNSTON. That last piece is appraised at \$900, and yet there is a lease on it for \$25 a year.

The CHAIRMAN. What is it worth?

Mr. JOHNSTON. It is not worth more than six or seven hundred dollars at the outside.

Senator CURTIS. That is the only piece that I have read to you that you got that is not worth more than you paid for it, and that you admit is worth more than you paid for it.

Mr. JOHNSTON. Yes, sir; that is, not considering any expense connected with the conveyance of it.

Senator CURTIS. What expense were you at?

Mr. JOHNSTON. I was at a good deal of expense.

Senator CURTIS. How long was Mr. Russell Johnson down there?

Mr. JOHNSTON. Several weeks. His wife was with him.

Senator CURTIS. It would cost him and his wife down in that neighborhood to board not over \$2.50 to \$3 a day; you can get a room there for \$1.50 a day; he was there a month, so his expenses ought to have been \$90. You had how many deeds?

Mr. JOHNSTON. Eight.

Senator CURTIS. The expense for acknowledging those deeds ought not to have been over \$1 apiece. It would be 50 cents apiece in Kansas; that would be \$98. Now, how much was your expense?

Mr. JOHNSTON. I do not know what the expense was.

The CHAIRMAN. Have you not an expense account?

Mr. JOHNSTON. No, sir.

Senator CURTIS. Can you not bring your expense account here?

Mr. JOHNSTON. I say I have not got it. Mr. Russell Johnson had it.

Senator CURTIS. Can you not get it from his estate?

Mr. JOHNSTON. I do not know. Russell had it. He had the expense account of everything.

Senator CURTIS. You did not even save the dispatches you received from Russell Johnson, did you?

Mr. JOHNSTON. No, sir.

Senator CURTIS. Why did you destroy those dispatches?

Mr. JOHNSTON. I never kept a personal dispatch in my life.

Senator CURTIS. You did not think it proper to keep a personal dispatch in a transaction as important as this?

Mr. JOHNSTON. No, sir.

Senator CURTIS. Could you estimate what your expenses were?

Mr. JOHNSTON. I do not know that I could; our expenses were several hundred dollars.

Senator CURTIS. How much does the consideration figure up for the lands you bought? Can you tell us that?

Mr. JOHNSTON. I could not without looking it up carefully.

Senator CURTIS. Well, can you not give us some idea of it; did you have any attorney's fees to pay?

Mr. JOHNSTON. No, sir.

Senator CURTIS. Did you have any interpreter's fees to pay?

Mr. JOHNSTON. Not that I remember. Russell had an itemized account of the expense of everything. I looked over it, but did not go over it carefully. I always had the utmost confidence in him.

Senator CURTIS. The interpreters have testified here that they worked for \$2.50 a day for the month—or \$125 a month. So, if Russell Johnson had an interpreter all the time his expenses could not have exceeded \$150 for interpreters, could it? Now, you had an expense for board for himself and wife, and expense for interpreters

of not exceeding \$250, and you say you sent altogether how much down there?

Mr. JOHNSTON. Something like \$13,000.

Senator CURTIS. How much did he bring home with him?

Mr. JOHNSTON. I do not remember just how much.

Senator CURTIS. Have you any idea?

Mr. JOHNSTON. I do not think to exceed twelve or fifteen hundred dollars.

Senator CURTIS. He brought back \$1,500; that shows that you paid \$12,000 down there. Now, the difference between the consideration mentioned in the deeds and the amount that you sent there, less this \$1,500 returned by him, would indicate the outside expenses, would it not?

Mr. JOHNSTON. Yes, sir.

Senator CURTIS. Now, Mr. Johnston, do you not know as a matter of fact that that outside expense went for whisky and for beer and mescal?

Mr. JOHNSTON. No, sir; I do not know that.

Senator CURTIS. And you not know that Russell Johnson and L. C. Grimes, your agents, debauched those Indians week in and week out with whisky, mescal, and beer?

Mr. JOHNSTON. No, sir; I do not. I do not think Russell Johnson would do such a thing.

Senator CURTIS. Well, the evidence shows that he was a party to it. L. C. Grimes was your partner, was he not?

Mr. JOHNSTON. No, sir; we just instructed him.

Senator CURTIS. Do you say now that he was not your partner?

Mr. JOHNSTON. No, sir; except in this way, we instructed Russell to see and consult with Grimes about any land that he bought in Oklahoma County. We had nothing to do with it.

Senator CURTIS. You have testified, and so has Mr. Cade, that he was a one-fourth partner with you.

Mr. JOHNSTON. That is what I said, that we agreed to do that.

Senator CURTIS. Then if he was your partner you are responsible for his acts.

Mr. JOHNSTON. We did not pay Grimes's expenses down there. We did not give Grimes one dollar in any way.

The CHAIRMAN. Did Russell Johnson and you pay all the expenses? Did you put up the money?

Mr. JOHNSTON. Mr. Cade and I did.

The CHAIRMAN. Did Mr. Grimes put up any money at all?

Mr. JOHNSTON. No, sir.

The CHAIRMAN. What was he to do for which he was to have one-fourth of the profits?

Mr. JOHNSTON. He was to pass on the price of the land and the quality of the land, and assist Russell in buying it.

The CHAIRMAN. How many acres of land did you buy?

Mr. JOHNSTON. Altogether?

The CHAIRMAN. Yes.

Mr. JOHNSTON. Six hundred and forty acres. Eight 80's, I think, were all; that would be a section of land.

The CHAIRMAN. That cost you how much?

Mr. JOHNSTON. Between twelve and thirteen thousand dollars.

The CHAIRMAN. Can you not give the exact amount?

Mr. JOHNSTON. I can not; no, sir.

The CHAIRMAN. It was between twelve and thirteen thousand dollars?

Mr. JOHNSTON. Yes, sir; Russell had all those papers in his possession. They were in his private papers.

The CHAIRMAN. Can you not get those papers?

Mr. JOHNSTON. I can not write for them now; he just died a few days ago.

The CHAIRMAN. Were not the papers in the bank?

Mr. JOHNSTON. No, sir; they were locked up in his private box.

The CHAIRMAN. You have not access to them, have you?

Mr. JOHNSTON. No, sir.

The CHAIRMAN. Have you figured it up how much it cost you an acre?

Mr. JOHNSTON. No, sir.

The CHAIRMAN. How much have you sold?

Mr. JOHNSTON. I think we have sold probably three pieces.

The CHAIRMAN. All of that 240 acres?

Mr. JOHNSTON. Yes, sir.

The CHAIRMAN. Then you have sold 400 acres, have you not?

Mr. JOHNSTON. Yes, sir.

The CHAIRMAN. Now, on that you made a net profit of \$3,150, did you not?

Mr. JOHNSTON. About that.

The CHAIRMAN. Well, is that not exactly what you have, according to your own statement? How much profit have you made on the other?

Mr. JOHNSTON. I do not know whether we have made any or not.

The CHAIRMAN. Those two pieces that you sold were 160 acres, were they not? The first was \$3,500. That was an 80, was it not?

Mr. JOHNSTON. Yes, sir.

The CHAIRMAN. Then you sold another 80 for \$2,800, did you not?

Mr. JOHNSTON. I do not think we ever sold an 80 for \$2,800.

The CHAIRMAN. You said you sold a piece for which you paid \$1,750 for \$2,800. These are the figures that were read to you, and you said "Yes."

Mr. JOHNSTON. I can not recall any such price as that right now.

Senator CURTIS. Here is a piece that cost \$800, and it was sold to Reuben W. Smith for \$2,500.

Mr. JOHNSTON. Yes, that is right; I did not remember it. It was \$2,800.

The CHAIRMAN. You sold one 80 for \$3,500?

Mr. JOHNSTON. Yes, sir.

The CHAIRMAN. And you sold one 80 for \$2,500?

Mr. JOHNSTON. Yes, sir.

The CHAIRMAN. And you sold one for \$4,250? Now, how much have you lost in these transactions?

Mr. JOHNSTON. We have not lost anything that I know of.

The CHAIRMAN. How much have you made?

Mr. JOHNSTON. I do not know that we will make anything until we sell the other land.

The CHAIRMAN. You have made so much profit that you could not lose anything, could you?

Mr. JOHNSTON. No, sir; we would come out about even.

Senator CURTIS. In that Grimes deed I notice that there are other tracts; it does not say how many, but Grimes sold that land for \$2,250—4 and 5. It cost them \$925, and Grimes sold the same land for \$2,250.

The CHAIRMAN. Did you divide this land with Grimes and give him his share?

Mr. JOHNSTON. Yes, sir.

The CHAIRMAN. Did you make him a deed?

Mr. JOHNSTON. Yes, sir.

The CHAIRMAN. What proportion did he get?

Mr. JOHNSTON. We let him have the piece of land that was deeded to him.

The CHAIRMAN. Have you figured it that he made a profit then on the value of that piece of land?

Mr. JOHNSTON. No, sir; less the mortgage; there is a mortgage of \$2,250 on it that he paid us.

The CHAIRMAN. He took it subject to the mortgage, did he?

Mr. JOHNSTON. Yes, sir; he bought it from us and then mortgaged it and paid us the amount he got on the mortgage.

The CHAIRMAN. How much profit did Grimes make—he did not put a dollar in—how much did he make?

Mr. JOHNSTON. Well, if you consider that the land was worth the consideration mentioned in the deed, he made about \$1,750; if the land is worth less than that, he made that much less.

The CHAIRMAN. That was a transaction in which he did not put up a dollar.

Mr. JOHNSTON. Yes, sir.

The CHAIRMAN. You say he had not put up any money?

Mr. JOHNSTON. No, sir.

The CHAIRMAN. What profit did Mr. Russell Johnson make in the transaction?

Mr. JOHNSTON. I do not know; Russell got that piece of land up there, and then he paid in something; I do not remember how much.

The CHAIRMAN. He undoubtedly made as much as Grimes did, did he not?

Mr. JOHNSTON. Nearly so.

The CHAIRMAN. Did he not make as much?

Mr. JOHNSTON. I do not think he did make quite as much.

The CHAIRMAN. What did you say Grimes made, \$1,750?

Mr. JOHNSTON. That is considering the value of his land at that price. I do not think the land is worth any such amount as that. He took it at that rate and paid the consideration mentioned in the deed.

The CHAIRMAN. Then there was \$3,500 made by those two men who did not put up a dollar. That is a pretty fair profit, is it not?

Mr. JOHNSTON. I do not think so; they can not get any such amount as that out of the land now.

The CHAIRMAN. You are not willing to turn back to the Indians, then, even if you got your money out of it?

Mr. JOHNSTON. No, sir; I want a fair profit out of it. I think I am entitled to a fair profit.

Senator CURTIS. You think you are entitled to a fair profit from the land that your agent robbed the Indians of?

Mr. JOHNSTON. Yes, sir.

Senator CURTIS. Do you want a profit on robbery?

Mr. JOHNSTON. I do not think they robbed them. I think we paid the true value of that land. I have bought a great deal of Indian land and made more money out of lots of land that I bought than I did out of this.

The CHAIRMAN. It is perfectly legitimate for you to buy land from people who know what it is worth, if you do not resort to dishonest methods to get it.

Mr. JOHNSTON. I trusted Russell Johnson and sent him down there to pay that money to the Indians in the presence of witnesses so there could be no question in any manner, shape, or form.

Senator CURTIS. And not to pay too much for it?

Mr. JOHNSTON. Not to pay too much for it. We were taking lots of chances in buying it. We did not know the land; it was possible that one 80 might be worth three times as much as another 80 adjoining it.

The CHAIRMAN. But you had Mr. Grimes looking up the good lands for you?

Mr. JOHNSTON. Yes, sir.

The CHAIRMAN. He was to look up the good land?

Mr. JOHNSTON. Yes, sir; and he made a bad mistake, like the balance of us. A man can not tell. There is no man living who can accurately judge the value of that land.

The CHAIRMAN. Was Grimes up there about a month?

Mr. JOHNSTON. I do not know how long he was there. The land that he bought for \$200 adjoins another piece that we paid \$2,000 for.

The CHAIRMAN. What did you say?

Mr. JOHNSTON. I say that one piece of land that he bought for \$200 adjoins—or I think there is an 80, maybe, between them—that he paid \$2,000 for. The \$200 piece has a lake on it that cuts it into pieces.

The CHAIRMAN. You bought that of an Indian, did you?

Mr. JOHNSTON. Yes, sir.

The CHAIRMAN. And that is all you gave him for it?

Mr. JOHNSTON. Yes, sir.

The CHAIRMAN. It has been our experience that what you give an Indian for his land is no evidence of its true value. As far as we have been able to discover, it is nothing like what it is worth. I think the policy has been to give them about 25 per cent of what it was worth. Was that not your theory?

Mr. JOHNSTON. No, sir; we paid a good deal more than that.

The CHAIRMAN. Some of you people fixed that as the proper amount to pay an Indian, 25 per cent of its value, and I do not believe most of them ever get that.

The witness was thereupon excused.

L. C. GRIMES, having been first duly sworn, testified as follows:

Senator CURTIS. State your name to the committee.

Mr. GRIMES. L. C. Grimes.

Senator CURTIS. Where do you live?

Mr. GRIMES. Harrah, Okla.

Senator CURTIS. How long have you lived in Harrah?

Mr. GRIMES. I have lived in Harrah and right across the river I guess about eleven or twelve years.

Senator CURTIS. Where did you live before that?

Mr. GRIMES. In Oklahoma City.

Senator CURTIS. What was your business there?

Mr. GRIMES. My business was farming and I ran a sand business there at that time.

Senator CURTIS. Did you do any farming at that time?

Mr. GRIMES. Yes, sir.

Senator CURTIS. How many acres did you own?

Mr. GRIMES. About 20 acres.

Senator CURTIS. You owned 20 acres, you say?

Mr. GRIMES. Yes, sir.

Senator CURTIS. And you had a little sand business?

Mr. GRIMES. Yes, sir; I had a good big sand business, all the business of the town, pretty nearly.

Senator CURTIS. How long did you have that sand business?

Mr. GRIMES. I think about eight years.

Senator CURTIS. Did you have a regular sand apparatus to get the sand out of the river or did you haul it in wagons?

Mr. GRIMES. I hauled it out of a pit; just dug it out of the ground.

Senator CURTIS. Do you live at Harrah, now?

Mr. GRIMES. Yes, sir.

Senator CURTIS. What were you doing during the year 1906, most of the time?

Mr. GRIMES. Part of the time, in the spring, I was attending to my farm, and later on I went to Mexico.

Senator CURTIS. How late in the spring was it that you went to Mexico?

Mr. GRIMES. I think it was about the 17th of May, if I recollect correctly. I am not sure. We started——

Senator CURTIS. Who started?

Mr. GRIMES. Myself and other parties who went with me.

Senator CURTIS. Who were they?

Mr. GRIMES. Mack Johnson and his wife and Henry Murdock and his wife and a girl by the name of Ah-the-to-qua, and Mack Johnson's sister-in-law. I believe they were all the Indians.

Senator CURTIS. What white men went with you?

Mr. GRIMES. Russell Johnson, Al. Brown, W. I. Chapman, Cal. Moore, and W. C. Grimes.

Senator CURTIS. Is W. C. Grimes your son?

Mr. GRIMES. No, sir; he is my nephew.

Senator CURTIS. He is known as Tack, is he not?

Mr. GRIMES. Yes, sir.

Senator CURTIS. How did you happen to go to Mexico?

Mr. GRIMES. I saw they were going to pass this bill, and I had been a lessor there for years of these Indian lands.

Senator CURTIS. You owned good land there at that time, did you?

Mr. GRIMES. No, sir; I had grubbed out this bottom and Mr. Bentley had sworn that I should never have any rights in there, or have anything, and I knew it was the only chance I would have to get a home where I had been for years.

Senator CURTIS. You went down there to get one little home, did you?

Mr. GRIMES. If I could have got it; Mr. Bentley said——

Senator CURTIS. Just answer my question. You went down there to get one home, did you?

Mr. GRIMES. I went down there to get all I could.

Senator CURTIS. Now proceed and tell us who were your partners?

Mr. GRIMES. Mr. Willard Johnston, Mr. Cash Cade, and Mr. Russell Johnson were in with me. That was one company.

Senator CURTIS. Now, who were your partners in the other company?

Mr. GRIMES. Al. Brown, C. J. Benson, and W. I. Chapman.

Senator CURTIS. Who was to furnish the money in the first company?

Mr. GRIMES. Do you mean Cade and Johnston?

Senator CURTIS. Yes.

Mr. GRIMES. They were to furnish the money. It was outside of the bank. This was their outside money they claim. They said they could put in about \$10,000 or \$12,000.

Senator CURTIS. What bank did they own?

Mr. GRIMES. The State National.

Senator CURTIS. What other bankers were you in with?

Mr. GRIMES. I was in with Benson.

Senator CURTIS. What bank is he connected with?

Mr. GRIMES. The Oklahoma National.

Senator CURTIS. Who was to furnish the money for the Benson crowd?

Mr. GRIMES. Benson himself.

Senator CURTIS. Were you in with any other people who went to Mexico at that time or were you just dealing with those two at that time?

Mr. GRIMES. That is all I was in with. First my nephew was along; I was not in with him. He just wanted to buy a piece of land.

Senator CURTIS. Who paid the expenses of those Indians—who paid their way down?

Mr. GRIMES. I think they divided it; I think the two banks divided the expense, but I am not certain.

Senator CURTIS. You took them down, did you not; you knew what was going on?

Mr. GRIMES. They went along with us, I know.

Senator CURTIS. How many tickets did you buy for those Indians?

Mr. GRIMES. I did not buy any.

Senator CURTIS. Who did buy the tickets, Russell Johnson?

Mr. GRIMES. I do not know; some of the crowd did.

Senator CURTIS. The Indians did not pay their own way, you know that?

Mr. GRIMES. I do not think they did.

Senator CURTIS. Why did you taken those seven Indians down there?

Mr. GRIMES. They wanted to go.

Senator CURTIS. You had a purpose in taking Mack Johnson down there, did you not?

Mr. GRIMES. We took him as interpreter also.

Senator CURTIS. You had a purpose in taking Henry Murdock down there, did you not?

Mr. GRIMES. Yes, sir.



Senator CURTIS. What did you take him down for?

Mr. GRIMES. We took him as interpreter also.

Senator CURTIS. What offer did you make to Henry Murdock to go there as interpreter?

Mr. GRIMES. I did not make him any offer.

Senator CURTIS. Did you not offer Murdock, if he would go down with you, \$100 for every poor tract of land you might buy and \$200 for every good tract, and also to pay his expenses?

Mr. GRIMES. No, sir; I never made him any offer. I told him to go along and the company would pay him what it was worth.

Senator CURTIS. Which company?

Mr. GRIMES. Both of them.

Senator CURTIS. Did the Cade-Johnston people know at that time that you were in with the Benson crowd?

Mr. GRIMES. They did not at first. When we first made the agreement we made it with Willard Johnston and Cash Cade. I did not know anything about these other people, and we got to talking with them, and they came in, and I went to see Mr. Cade and Mr. Johnston before I ever agreed to go in with them.

Senator CURTIS. Did you tell both Cade and Johnston that you were going in with Benson before you went in with them?

Mr. GRIMES. I do not think I said anything to Mr. Cade; my talk was nearly always with Mr. Johnston.

Senator CURTIS. You claim that they knew you were going in with Benson before you went down there.

Mr. GRIMES. Yes, sir; we were not going in with them. They were just going down to buy land—each one to buy for himself.

Senator CURTIS. What do you mean by each one?

Mr. GRIMES. Each company.

Senator CURTIS. The two separate companies?

Mr. GRIMES. Yes, sir:

Senator CURTIS. How much money did you furnish?

Mr. GRIMES. I did not furnish any except a little which they paid me back.

Senator CURTIS. Then you furnished no money?

Mr. GRIMES. No, sir.

Senator CURTIS. All the money that was furnished then was furnished by those two companies?

Mr. GRIMES. Yes, sir.

Senator CURTIS. A little later on you got in with another company, did you not?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Who were they?

Mr. GRIMES. Garrett, Conine, and Jim Jacobs.

Senator CURTIS. What was your understanding with that company?

Mr. GRIMES. I think Conine and Jacobs were to get 20 per cent, John Garrett 33 per cent, and I was to get 27 per cent.

Senator CURTIS. How much money did you put in that?

Mr. GRIMES. I never put in any; John Garrett was to furnish all the money.

Senator CURTIS. How much money was he to furnish?

Mr. GRIMES. He said he thought he had about \$9,000 and he could raise more if necessary.

Senator CURTIS. You became active as soon as you went down there, did you not?

Mr. GRIMES. Do you mean at first?

Senator CURTIS. Yes.

Mr. GRIMES. No, sir; we stayed there a good bit. We got active pretty shortly after we got down there.

Senator CURTIS. Where did you go first?

Mr. GRIMES. We first went to Muzquiz, Mexico.

Senator CURTIS. Did you go out to the camp?

Mr. GRIMES. Yes, sir.

Senator CURTIS. How many days were you permitted to go out to the camp?

Mr. GRIMES. I was there several days before Mr. Bentley had us arrested and thrown out of there.

Senator CURTIS. Then there were several days after that that you were unable to go?

Mr. GRIMES. Yes, sir.

Senator CURTIS. How did the change come about—who permitted you to go back there?

Mr. GRIMES. Well, there were two factions there in Mexico, the Galan faction and the Guajardo faction. When Mr. Bentley first went down there he was in with the Galan faction, and they were in power; and there was what they call the jefe politico—one of the Galans was jefe politico, and he was in power at that time. After Guajardo got in, there seemed to be a difference between those two factions.

Senator CURTIS. From whom did you get that information?

Mr. GRIMES. I heard it from everybody, the Mexicans there.

Senator CURTIS. What Mexican told you?

Mr. GRIMES. It was the general talk of everybody. We thought it was the influence of the Government that had us thrown out of there. We did not believe that Guajardo was the man who had us thrown out of there, and we went to talk to this Doctor Conine and got him to go and see Guajardo and assure him we were there and wanted to pay the money for this land, and ask why we should be shut out of there and not be allowed to buy the land.

Senator CURTIS. Was Doctor Conine working with you at that time?

Mr. GRIMES. Not at that time.

Senator CURTIS. He was working with your people, was he not?

Mr. GRIMES. Not at that time.

Senator CURTIS. When did you first hire him?

Mr. GRIMES. I never hired him at all.

Senator CURTIS. Do you not know that your partners have testified here that he was working for you at \$150 a month?

Mr. GRIMES. That might have been; he was working for us.

Senator CURTIS. You do not want this committee to understand that you were ignorant of what was going on, down there, do you?

Mr. GRIMES. I am telling you what my understanding was.

Senator CURTIS. We want you to tell the truth.

Mr. GRIMES. I am telling you the truth.

Senator CURTIS. Now, do you not know that Doctor Conine was working with you at that time?

Mr. GRIMES. No, sir; he was not. I want to tell you and you will not let me.

Senator CURTIS. When was the first time that you knew he was working for you?

Mr. GRIMES. Doctor Conine went and got permission from this jefe politico. When he explained that Mr. Bentley was holding us out of there with these under officers, he gave an order to Conine to go in there, and as long as we treated the Indians right, to deal with them and buy their lands.

Senator CURTIS. Was that before or after the bill passed?

Mr. GRIMES. It was after the bill passed.

Senator CURTIS. Don't you know that Doctor Conine was working with you people before that bill passed?

Mr. GRIMES. No, sir; not at that time.

Senator CURTIS. Do you not know that he was to get \$150 a month, and do you not know that Chapinan has testified to the same thing?

Mr. GRIMES. I do not know that he was. I told you I did not know. If he was to get that I do not know it.

Senator CURTIS. Did you ever pay him anything?

Mr. GRIMES. No, sir; I did not. I did not see any of those deeds.

Senator CURTIS. When did you first find out that everything was all right over there?

Mr. GRIMES. In what way?

Senator CURTIS. That you could go to the Indian camp.

Mr. GRIMES. The second time, do you mean?

Senator CURTIS. The first time; you know what I am talking about.

Mr. GRIMES. I went right out. They prevented us the first time, and—

Senator CURTIS. No; I mean after you were first forbidden; then when did you next find out that you could go to the camp; this time that you say Doctor Conine talked with Guajardo, was that before or after the bill was signed?

Mr. GRIMES. It was after the bill was signed.

Senator CURTIS. Then, why did you send this dispatch to Russell Johnston: "June 9th, 1906. Come at once; bring Henry and Willie. Everything all right. Answer"?

Mr. GRIMES. I have just told it to you, exactly.

Senator CURTIS. Then that bill was not signed until along about the 20th, was it?

Mr. GRIMES. Along about the 20th?

Senator CURTIS. Yes.

Mr. GRIMES. I think so.

Senator CURTIS. It was the 21st of June?

Mr. GRIMES. Yes, sir; I think so.

Senator CURTIS. And here is a dispatch twelve days before—

Mr. GRIMES. Well, I have just made a mistake in the date, then. It is a mistake in the dates.

Senator CURTIS. Now, you looked up the law down there, did you not?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Was not an inquiry made of you as to whether or not you were to have passports?

Mr. GRIMES. Not of me.

Senator CURTIS. Did not Brown wire you that those Indians needed passports?

Mr. GRIMES. I do not recall that he did.

Senator CURTIS. Did you not wire Mr. Brown on the 21st day of June, 1906, as follows: "Nacimiento needs no transport. Attend to the other man and do a good job. Will leave to-night"?

Mr. GRIMES. I do not recollect any such telegram. I may have sent it.

Senator CURTIS. You will not say to this committee that you did not send it?

Mr. GRIMES. No, sir.

Senator CURTIS. Who was the man you referred to?

Mr. GRIMES. I do not recall the telegram at all.

Senator CURTIS. I have it in my possession here.

Mr. GRIMES. Is my name signed to it?

Senator CURTIS. Yes, sir; your name is signed to it.

Mr. GRIMES. Well, I do not recall it.

Senator CURTIS. What Indians did you take from Muzquiz to Eagle Pass on July 3?

Mr. GRIMES. I do not think I went there on July 3; I believe I was in Mexico on the 4th.

Senator CURTIS. Did you start with some Indians and have to turn back?

Mr. GRIMES. No, sir; I think not.

Senator CURTIS. Did you wire Mr. Thackery about any deeds while you were down there?

Mr. GRIMES. I wired in regard to a deed to land that was bid in through the agency. I do not know what the telegram was. It was in reference to a piece of land that I bid in before I went down there, and I thought I would see if I could get the Indians to sign up.

Senator CURTIS. You had a little falling out with Chapman, did you not?

Mr. GRIMES. It was not exactly a falling out; it was a little misunderstanding.

Senator CURTIS. And you and he were not working together at one time?

Mr. GRIMES. We were working together clear up until the time we left there.

Senator CURTIS. Why did you send this dispatch to Conine on August 12: "Don't let Chapman do anything. Will explain when there." That is addressed to Conine. You recall that dispatch? Now tell us all about it.

Mr. GRIMES. As far as that is concerned, I told you that there was a little difference between us. It was straightened up, though, afterwards.

Senator CURTIS. That was after you brought suit, was it not?

Mr. GRIMES. I do not recollect whether it was or not.

The CHAIRMAN. It was not settled up before you brought the suit, or you would not have brought it?

Mr. GRIMES. I say it was settled up afterwards. Everything was settled up.

Senator CURTIS. But you brought a suit first?

Mr. GRIMES. Yes, sir; and settled up that matter.

Senator CURTIS. As soon as you filed the papers they settled; they did not want you to tell what you knew about that transaction, did they?

Mr. GRIMES. I do not know about that; they did not want any trouble, I suppose.

Senator CURTIS. You got some telegrams from Jacobs down there with reference to the Indians, did you not?

Mr. GRIMES. I may have; I do not recall whether I did or not.

Senator CURTIS. What Indians did he refer to in his dispatch of December 31: "Have all of them, including Kah-he-me-peah, meet us in Barrateran in the morning. On our way for Eagle Pass"?

Mr. GRIMES. I do not recollect just what I had reference to at that time.

Senator CURTIS. Did they meet you, or did you meet them?

Mr. GRIMES. No, sir; I did not meet them. I never saw Jacobs.

Senator CURTIS. Did you not see Jacobs down there?

Mr. GRIMES. I think I saw him at Eagle Pass, as well as I recollect.

Senator CURTIS. Did you meet him at Eagle Pass?

Mr. GRIMES. I think so.

Senator CURTIS. Now, Mr. Grimes, you got short of money down there once in a while, did you not?

Mr. GRIMES. I think not; my company might have got short.

Senator CURTIS. Were you and Chapman working any down there in January, 1907?

Mr. GRIMES. I do not recollect exactly, but we were down there after the other deeds were taken along, probably at that time.

Senator CURTIS. Was he down there?

Mr. GRIMES. He was down there.

Senator CURTIS. While he was here in January did you wire him for money; while he was here at Shawnee, I mean?

Mr. GRIMES. I think I did.

Senator CURTIS. How much did you wire him for, \$200?

Mr. GRIMES. I think so.

Senator CURTIS. Why did you want \$200.

Mr. GRIMES. We needed it to pay board and live on down there; general expenses.

Senator CURTIS. Expenses were pretty heavy, were they not?

Mr. GRIMES. Yes, sir.

Senator CURTIS. How many Indians did you keep over there in the wagon yard, as a usual thing?

Mr. GRIMES. What do you mean by keep them?

Senator CURTIS. I mean the Indians that you kept there in the wagon yard. You had seven there for a month on one occasion, did you not?

Mr. GRIMES. No, sir.

Senator CURTIS. You had seven of them there for several days, did you not?

Mr. GRIMES. Several of the Indians when they came from the camp would come there and we would feed them.

Senator CURTIS. How long did you have that wagon yard there?

Mr. GRIMES. There was no wagon yard there that I know of.

Senator CURTIS. Do you mean to tell this committee that you did not take Indians to the wagon yard there and afterwards take them to the little building adjoining and have them execute deeds?

Mr. GRIMES. In Muzquiz?

Senator CURTIS. No; you know I am talking about Eagle Pass.

Mr. GRIMES. I thought you were talking about Muzquiz.

Senator CURTIS. You did not think that at all.

Mr. GRIMES. I did; I thought you were talking about Muzquiz.

Senator CURTIS. Just read that question to him.

(The question was read.)

Mr. GRIMES. That is in Eagle Pass.

Senator CURTIS. Yes, I am talking about Eagle Pass.

Mr. GRIMES. There were Indians who stayed there at the wagon yard.

Senator CURTIS. And you took them there, did you not?

Mr. GRIMES. Well, they went there; they went with me; yes, sir.

Senator CURTIS. Did you not take the Indians that you brought out of Mexico there, sometimes seven or eight together?

Mr. GRIMES. I say they went.

Senator CURTIS. How many trips did you make from Mexico over to Eagle Pass with the Indians?

Mr. GRIMES. I could not tell you; several.

Senator CURTIS. How many delegations of Indians did you meet at Eagle Pass or Ciudad Porfirio Diaz that were brought over by your crowd from Mexico?

Mr. GRIMES. That would be hard to tell.

Senator CURTIS. You could not tell that?

Mr. GRIMES. No, sir.

Senator CURTIS. How many months did your people have that wagon yard rented?

Mr. GRIMES. We did not have it rented only when we went there. We would go there and stop, maybe, for a few days and then go on back.

Senator CURTIS. Do you not know that at one time Indians were kept there for over three weeks by you?

Mr. GRIMES. No, sir.

Senator CURTIS. And Conine?

Mr. GRIMES. No, sir; I do not think there were any there anything like that time.

Senator CURTIS. You do not?

Mr. GRIMES. No, sir.

Senator CURTIS. What do you mean in this dispatch of January 1, 1907, to Chapman, in which you state, "Send \$200. First National. Everything looks good."

Mr. GRIMES. I do not know. We were just down there on business.

Senator CURTIS. Do you know a man by the name of Tony Alexander?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Why was he down there?

Mr. GRIMES. He was down there working for Mr. Benson.

Senator CURTIS. What was he doing—that was after the deeds were taken, was it not?

Mr. GRIMES. Yes, sir.

Senator CURTIS. What was he doing there?

Mr. GRIMES. Mr. Bentley was down there trying to keep these Indians from taking their money, and Mr. Benson said that Alexander understood the Indians and he sent him down there.

Senator CURTIS. He sent him down there to get the Indians to take that money out of the First National Bank, did he not?

Mr. GRIMES. He tried to keep Bentley from pulling and hauling them around, and to let them take it if they wanted to.

Senator CURTIS. That was the money that you people had put in the bank, was it. You never paid a cent of money for the deeds taken in Mexico, did you?

Mr. GRIMES. No, sir.

Senator CURTIS. And Chapman never paid a cent, did he?

Mr. GRIMES. No, sir.

Senator CURTIS. Benson never paid a cent, did he?

Mr. GRIMES. We paid for them—

Senator CURTIS. I mean cash money?

Mr. GRIMES. Money right down; no, sir.

Senator CURTIS. Not a cent, did you?

Mr. GRIMES. No, sir.

Senator CURTIS. Brown did not pay any, did he?

Mr. GRIMES. I do not know whether he paid or not; I never saw any of them pay.

Senator CURTIS. Do you not know that on all these deeds that you took in Mexico you deposited the money, or pretended to deposit it, in the First National Bank of Eagle Pass, Tex.?

Mr. GRIMES. Yes, sir.

Senator CURTIS. And was not Tony Alexander sent down there to get these Indians to take that money out?

Mr. GRIMES. He was sent down there to try to keep Mr. Bentley from pulling the Indians around and running them out of the country before they got the money. He told them that the United States soldiers were coming there to arrest them.

Senator CURTIS. It would have been a God's pity if they had gone there and arrested them, and arrested you with them.

Mr. GRIMES. Somebody else ought to have been arrested, too.

Senator CURTIS. Did you answer Mr. Alexander's telegram in which he said, under date of May 30, 1907, "All O. K.; come at once."

Mr. GRIMES. I do not recollect.

Senator CURTIS. Do you not know that you answered that dispatch?

Mr. GRIMES. Well, I do not recollect.

Senator CURTIS. Did you not wire him this: "Do you mean work can be done at Muzquiz? Answer." Did you not wire him that?

Mr. GRIMES. That was in regard to some business of ours.

Senator CURTIS. Was that not Indian business?

Mr. GRIMES. Yes, sir.

Senator CURTIS. It was about getting deeds, was it not?

Mr. GRIMES. Yes, sir.

Senator CURTIS. And you did not know at that time what he meant. You wanted to know if work could be done. What kind of work did you mean?

Mr. GRIMES. There were some Indians who had been after us ever since we were down there to make the first deeds—to sell their land.

Senator CURTIS. And you did not buy it?

Mr. GRIMES. Listen, and I will tell you, if you will wait. We did buy it.

Senator CURTIS. Why didn't you buy it the first time?

Mr. GRIMES. Because we did not think it was legal.

Senator CURTIS. Why was it not legal?

Mr. GRIMES. Because the boy was not of age.

Senator CURTIS. But you had that boy married, did you not?

Mr. GRIMES. He wanted to do so——

Senator CURTIS. You had that boy married in Eagle Pass, did you not?

Mr. GRIMES. He had himself married.

Senator CURTIS. You had him married, and you paid the license fee, did you not?

Mr. GRIMES. Yes, sir.

Senator CURTIS. And you signed the affidavit that was sworn to by George Kishketon that that boy was 21 years old?

Mr. GRIMES. No, sir; I did not.

Senator CURTIS. Let me show you that you did.

Mr. GRIMES. Unless somebody forged it. I took out my records and showed the county treasurer right there what age he was—19 years old.

Senator CURTIS. You paid the expenses, did you not?

Mr. GRIMES. Yes, sir; I paid the expense.

Senator CURTIS. That was Puck-e-shinno?

Mr. GRIMES. Yes, sir.

Senator CURTIS. How old did you say he was?

Mr. GRIMES. It is my recollection now that he was 19 years old then.

Senator CURTIS. And you took a deed from him?

Mr. GRIMES. Yes, sir.

Senator CURTIS. And you knew that the law provided that only adult Kickapoos could sell their lands, did you not?

Mr. GRIMES. Well, I was advised that it was all right.

Senator CURTIS. And you took a deed from him, didn't you?

Mr. GRIMES. He had been wanting to sell this land and wanting to get married ever since we had been down there, and I did not think it was legal, but after looking it up I thought it was.

Senator CURTIS. You knew that the law stated that only adults could sell?

Mr. GRIMES. I am telling you what I did.

Senator CURTIS. You knew that the bill provided that only adults could sell?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Now, you consulted the clerk down there as to the effect of a marriage, did you not?

Mr. GRIMES. I do not know; I just went there and asked for his license.

Senator CURTIS. You asked Mr. Legge what effect that marriage would have, did you not?

Mr. GRIMES. I do not recollect saying anything about it to him. I just went there and got the license.

Senator CURTIS. Now, you know that that boy has never lived with that woman a day since he married her, do you not?

Mr. GRIMES. No, sir; I do not.



Senator CURTIS. And you know that you got that boy married simply to get that deed from him, do you not?

Mr. GRIMES. He said he wanted to sell his land.

Senator CURTIS. What did you say about this boy Nah-ah-che-thot?

Mr. GRIMES. Where is that affidavit?

Senator CURTIS. That affidavit is made by George Kishketon. You took George in there, did you not? I did not say you made the affidavit; I said you witnessed it.

Mr. GRIMES. I never witnessed an affidavit where he swore that he was 21 years old, and George never swore to it. If he did——

Senator CURTIS. You witnessed the affidavit that George made, did you not?

Mr. GRIMES. George never made any affidavit that I saw. If he did, he made it afterwards.

Senator CURTIS. Was it necessary to make an affidavit before you could get a marriage license?

Mr. GRIMES. No, sir.

Senator CURTIS. Did not the law require that, and did you not pay for this affidavit, and for all the proceedings: "I, George B. Kishketon, do solemnly swear that Nah-ah-che-thot is 21 years of age and Miss Qua-to-quah is 18 years of age, and there is no legal objection to their marriage."

Mr. GRIMES. If he swore to that I did not know anything about it.

Senator CURTIS. You were there, were you not?

Mr. GRIMES. I was there when they were married.

Senator CURTIS. And you were there when the license was secured?

Mr. GRIMES. Yes, sir.

Senator CURTIS. You paid for the license, did you not?

Mr. GRIMES. Yes, sir.

Senator CURTIS. How old is that boy?

Mr. GRIMES. Nineteen.

Senator CURTIS. That boy is only 17 years old, is he not?

Mr. GRIMES. Yes, sir; he is somewhere about 17.

Senator CURTIS. That woman to whom you married him was a relative of his, was she not?

Mr. GRIMES. I do not know anything about that.

Senator CURTIS. And they never have lived together a minute since?

Mr. GRIMES. I do not know whether they have or not.

Senator CURTIS. You had that boy and girl married to get a deed from them, did you not?

Mr. GRIMES. I told you that it was this way——

Senator CURTIS. You wired here to a lawyer in this town for his opinion, did you not?

Mr. GRIMES. I think so.

Senator CURTIS. You asked that man in your telegram if a boy 15 years old could marry, did you not?

Mr. GRIMES. Yes, sir; I believe I did.

Senator CURTIS. What did he answer you?

Mr. GRIMES. I believe he said that he could not, to go according to the Texas law.

Senator CURTIS. And you knew at that time when you had those two Indian boys married that they were not old enough under that law to make a deed, did you not?

Mr. GRIMES. I told you that I had that advice; that it was all right. The CHAIRMAN. For minors to make a deed?

Senator CURTIS. It was under the statute that provided that a boy, after he is 16 years old, if he is married, has a right to make transfers or any deeds that he wants to?

Mr. GRIMES. I do not know about that.

Senator CURTIS. You paid that boy's fine to get him out of jail, did you not?

Mr. GRIMES. I did not pay it; Alexander did.

Senator CURTIS. The records show that you paid it.

Mr. GRIMES. Maybe I did; I do not recollect; one of us did.

Senator CURTIS. You took him out of jail where he had been placed for being drunk and took him there and had him married to that girl.

Mr. GRIMES. I will explain that if you will let me.

Senator CURTIS. Certainly; go ahead and explain it.

Mr. GRIMES. This Puck-e-shinno was over the river; he went over there and got drunk. I do not know who got him drunk, but Mr. Bentley had him thrown in jail.

The CHAIRMAN. Was Bentley there?

Mr. GRIMES. Yes, sir. So he said that Mr. Bentley said he would pay his fine provided he would get on the train and leave with him, and he would go with him, and I went up there two or three hours before train time and asked him if he wanted to get out of jail.

Senator CURTIS. How did Puck-e-shinno happen to be there?

Mr. GRIMES. Just one was there.

Senator CURTIS. Didn't you wire to have him brought over there?

Mr. GRIMES. Do you mean to Eagle Pass?

Senator CURTIS. Yes; to Eagle Pass. You know what I mean.

Mr. GRIMES. You just said over there.

Senator CURTIS. We were talking about that boy being married. How did he happen to go to Eagle Pass?

Mr. GRIMES. I think he came with Alexander.

Senator CURTIS. Did you not wire to have Alexander bring him?

Mr. GRIMES. I probably did.

Senator CURTIS. Did you not wire Alexander as follows: "Bring Puck-e-shinno, Na-ah-che-the, Wahpahchequaquah, Interpreter Mack Johnson, and the two girls. Come Monday. Answer." That is dated the 15th day of June.

Mr. GRIMES. I probably did.

Senator CURTIS. You had it all fixed up then, did you not, Mr. Grimes?

Mr. GRIMES. I did.

Senator CURTIS. Now, you have been busy running Indians out of this Territory down into Mexico, have you not?

Mr. GRIMES. No, sir.

Senator CURTIS. Did you not try to get Indian girls and Indian men to go from here down to Mexico in order to get deeds from them?

Mr. GRIMES. What Indian girls?

Senator CURTIS. Well, Py-o-kah?

Mr. GRIMES. I took a deed from her.

Senator CURTIS. You tried to get her to go to Mexico, did you not?

Mr. GRIMES. She wanted to go, and I tried to get her a ticket, but she backed out.

Senator CURTIS. And you wanted to get her to go to rob her of her land?

Mr. GRIMES. No, sir; I had bought her land.

Senator CURTIS. How much did you pay her for it?

Mr. GRIMES. I agreed to pay her \$1,500, and gave her notes, and she put the notes in the bank.

Senator CURTIS. You put the notes in the bank yourself, didn't you?

Mr. GRIMES. No, sir; she put them in.

Senator CURTIS. You took a deed from that girl when you knew she lived in this county?

Mr. GRIMES. No, sir; I did not.

Senator CURTIS. Where did you take it?

Mr. GRIMES. In Oklahoma County.

Senator CURTIS. And you bought her ticket here?

Mr. GRIMES. She came up there and wanted to make the deed.

Senator CURTIS. You took that deed from her at the time you were going to send her to Mexico, did you not?

Mr. GRIMES. I never sent her to Mexico.

Senator CURTIS. You tried to send her; you bought her a ticket, did you not?

Mr. GRIMES. She wanted to go.

Senator CURTIS. And you bought her a ticket?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Was not your conduct so infamous in that regard that the Indian agent had to notify you to quit running the Indians out of here?

Mr. GRIMES. That was before that, I think.

Senator CURTIS. Then you had been at it before, had you?

Mr. GRIMES. No, sir; it was a general order to everyone.

Senator CURTIS. That was addressed to you July 31, 1906?

Mr. GRIMES. Yes, sir; I was in Mexico when that order was sent out to everybody. Mr. Thackery sent that to me right after I came back, I think.

Senator CURTIS. You received it, did you?

Mr. GRIMES. Yes, sir.

Senator CURTIS. And after that you tried to get Indians to go to Mexico. You carried one old Indian woman out in your arms, did you not?

Mr. GRIMES. No, sir.

Senator CURTIS. Because she was so sick and weak she could not get out of her home, and made her sit out there in the sun for an hour and over waiting for a train?

Mr. GRIMES. Where?

Senator CURTIS. I am speaking of the old woman that you took down to Mexico, who was nearly dead with consumption.

Mr. GRIMES. I never took her there.

Senator CURTIS. You had her sent there, did you not?

Mr. GRIMES. No, sir.

Senator CURTIS. Are you sure about that?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Did you not send a telegram about that old Indian woman?

Mr. GRIMES. I may have sent some, but I do not remember.

Senator CURTIS. I refer to Kah-ke-ne-peah, a consumptive woman, who was taken by you last summer, or by your people, to Mexico.

Mr. GRIMES. I did not take her; Mack Johnson said she wanted to go, and he took her.

Senator CURTIS. And you hired a conveyance and went down from Shawnee, 25 miles through the snow, did you not; or sent Johnson?

Mr. GRIMES. No, sir.

Senator CURTIS. You had Johnson do it, did you not?

Mr. GRIMES. He may have done it; I do not know.

Senator CURTIS. She would not go, and you returned to Shawnee, did you not, and remained until the next night, and then you and Mack Johnson went to McLeod and took an Indian to help you, and you remained in her house overnight, did you not?

Mr. GRIMES. Whose house?

Senator CURTIS. That old Indian woman's.

Mr. GRIMES. No, sir; I did not.

Senator CURTIS. Whose house did you remain in?

Mr. GRIMES. I did not remain; I did not go out there.

Senator CURTIS. Where did you stay?

Mr. GRIMES. I went home, if I went from here. I was not down there.

Senator CURTIS. Did you not tell them to come to Harrah the next day, and did you not give Johnson \$70?

Mr. GRIMES. I do not know.

Senator CURTIS. To buy tickets?

Mr. GRIMES. I gave Johnson some money.

Senator CURTIS. To buy a ticket for that old woman, did you not?

Mr. GRIMES. I do not know what he did with it.

Senator CURTIS. You knew that it was to take that old woman down there with, did you not?

Mr. GRIMES. I told you that he said she wanted to go.

Senator CURTIS. You gave him the money to take that old consumptive woman down there, did you not?

Mr. GRIMES. I gave him money; I do not know whether he bought tickets or what he did.

Senator CURTIS. She was taken to Mexico, was she not?

Mr. GRIMES. Yes, sir; she went.

Senator CURTIS. Did you afterwards get a deed from her?

Mr. GRIMES. No, sir.

Senator CURTIS. Who took the deed from her?

Mr. GRIMES. I do not know.

Senator CURTIS. Either you or Jacobs took it, did you not?

Mr. GRIMES. I do not know that.

Senator CURTIS. Jacobs swore here last night that you took it.

Mr. GRIMES. I do not know whether Jacobs took it, or Conine or Garrett or who.

Senator CURTIS. You did not take it, did you?

Mr. GRIMES. No, sir.

Senator CURTIS. You never saw her sign one, did you?

Mr. GRIMES. No, sir.

Senator CURTIS. And you knew she was sick with the consumption, did you not?

Mr. GRIMES. No, sir; I knew she was sick; I supposed it was consumption.

Senator CURTIS. Did you meet those Indians at that time at San Antonio, Tex.?

Mr. GRIMES. Yes, sir; I saw them there.

Senator CURTIS. You were on the same train, were you not?

Mr. GRIMES. No, sir.

Senator CURTIS. How many trains were you behind them?

Mr. GRIMES. I was not near the train; I went on the "Katy" and they went on the other road.

Senator CURTIS. Oh, that is the way you arranged it, is it; you arranged to go down on that road and they went down on the other?

Mr. GRIMES. They went to suit themselves.

Senator CURTIS. But you furnished the money?

Mr. GRIMES. I furnished the money. I loaned them that money.

Senator CURTIS. Do you not know that that old Indian woman was never out of that Indian village down there because she was too sick to get out?

Mr. GRIMES. I do not know that.

Senator CURTIS. You saw her there; she was sick with consumption, was she not?

Mr. GRIMES. Yes, sir.

Senator CURTIS. You know that, do you?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Do you remember that old imbecile Indian around there, the dumb Indian?

Mr. GRIMES. I do not know that I remember him.

Senator CURTIS. You did not see him, did you?

Mr. GRIMES. What is his name?

Senator CURTIS. Well, you know him, do you not; there was only one dumb Indian down there?

Mr. GRIMES. I do not know whether there was a dumb Indian or not.

Senator CURTIS. You saw a blind woman, Noten's mother, at Eagle Pass, did you not?

Mr. GRIMES. Well, she came along with the bunch; yes, sir.

Senator CURTIS. And you got her land for \$200, did you not?

Mr. GRIMES. Yes, sir.

Senator CURTIS. And you sold it for \$800 afterwards?

Mr. GRIMES. I never sold it; Mr. Johnston and those people sold it.

Senator CURTIS. How did that blind woman get on the train?

Mr. GRIMES. I could not tell you.

Senator CURTIS. You helped her, did you not?

Mr. GRIMES. I may have done so; I do not recall.

Senator CURTIS. Then you helped her off the train, did you not?

Mr. GRIMES. I do not recall.

Senator CURTIS. You would remember if you helped a blind woman on and off the train if you were going to get a deed from her, would you not? You had her in the wagon yard for a day or two, did you not?

Mr. GRIMES. I think she was there a day or two.

Senator CURTIS. That woman could not walk, could she?

Mr. GRIMES. Yes, sir.

Senator CURTIS. And you and others had to carry her in and out of the train?

Mr. GRIMES. Oh, no, sir; she walked.

Senator CURTIS. You are sure about that?

Mr. GRIMES. Yes, sir; I think so.

Senator CURTIS. Did you not set that old woman down there in the sun at Barroteran on July 2, and leave her there for more than an hour—that old blind woman who you were taking up to get a deed from?

Mr. GRIMES. I do not recall; she may have been waiting for a train there; I could not tell you.

Senator CURTIS. You were paying the expenses of those Indians in going over to Eagle Pass, were you not?

Mr. GRIMES. Sometimes I did and sometimes others did; I do not know.

Senator CURTIS. Alexander drew on you for some money, did he not? How much did he draw on you for in June, 1907?

Mr. GRIMES. I can not recollect those things.

Senator CURTIS. You do not know approximately? Do you send money to people and not know how much it is? You do not want this committee to understand that, do you?

Mr. GRIMES. I do not, but I do not recollect; you can not recollect everything, can you?

Senator CURTIS. I recollect money transactions pretty well, and important transactions, the same as you should.

Mr. GRIMES. Well, I do not recall just what I sent him.

Senator CURTIS. You protected his checks, did you not?

Mr. GRIMES. Yes, sir; I protected a check; I do not recall what it was. I probably protected more than one.

Senator CURTIS. And you wired him the following telegram, did you not: "Will leave Saturday. Check protected. Watch gang." That was on the 6th of June.

Mr. GRIMES. I probably wired him something to that effect, but I do not recollect the exact words.

Senator CURTIS. Did you send Alexander a roll, or did you take one with you?

Mr. GRIMES. Money, do you mean?

Senator CURTIS. I mean a roll; you know what I mean.

Mr. GRIMES. An Indian roll; I took it with me.

Senator CURTIS. In answer to your dispatch to Alexander in which you say work can be done at Muzquiz, what did he wire you?

Mr. GRIMES. I do not remember; I think he wired that he could.

Senator CURTIS. Did he not wire you: "Mean work Muzquiz? O. K. Indians all here. Come at once or mail roll."

Mr. GRIMES. Yes, sir; I think he sent a telegram like that.

Senator CURTIS. What boy did you want Alexander to bring over to Eagle Pass?

Mr. GRIMES. This boy—Na-ah-che-thot and Puck-e-shinno.

Senator CURTIS. Mr. Alexander acted as your agent in bringing those two minors over from Mexico to Eagle Pass?

Mr. GRIMES. He and I were interested together. The contracts are on record and can be seen.

Senator CURTIS. You did not have a contract about his bringing those Indians out of Mexico into Eagle Pass—those minors—did you?

Mr. GRIMES. He and I were working together on this proposition—buying some Indian lands.

Senator CURTIS. Then you wired him on the 17th of June—that is, two days later—after you wired him to bring Puck-e-shinno and those other Indians, as follows: “Bring your boy if you think it all right.”

Mr. GRIMES. Yes, sir.

Senator CURTIS. There was some danger or some question about it, was there?

Mr. GRIMES. Well, there was some question as to whether a boy 15 years old could legally marry.

Senator CURTIS. Alexander did not know the law, did he? Why did you ask him when you said you had the advice of lawyers?

Mr. GRIMES. I do not recall how it was, now.

Senator CURTIS. You were interested in the taking of those depositions down there at Monclova, were you not?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Did you go down there?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Who was authorized to represent you people?

Mr. GRIMES. As attorney?

Senator CURTIS. No; down there. You had an attorney here.

Mr. GRIMES. I do not understand you.

Senator CURTIS. Who did you employ—Doctor Conine, to make it plain?

Mr. GRIMES. Doctor Conine was down there with us; yes, sir. I never had any dealings with him. He was there, I think, when I got there.

Senator CURTIS. You never had any dealings with Doctor Conine?

Mr. GRIMES. Yes, sir; I had dealings with him.

Senator CURTIS. Do you not know that he represented you parties in taking those depositions?

Mr. GRIMES. I think he did.

Senator CURTIS. And do you not know that they wired him \$500 gold before they could get the depositions.

Mr. GRIMES. I do not know whether they wired him gold or not.

Senator CURTIS. You knew he needed money, did you not? You were there and you knew what was going on down there. You are not an ignorant man.

Mr. GRIMES. I know partly what was going on.

Senator CURTIS. There was not a man down there who knew more about what was going on than you did, was there?

Mr. GRIMES. I do not know.

Senator CURTIS. You are a pretty shrewd business man, are you not?

Mr. GRIMES. Not very. I do not think I would probably have as much as I have if I was not.

Senator CURTIS. Let me read you this telegram. It is from your agents: “Shawnee, Okla., May 8, 1907. R. C. Conine, Muzquiz, Mex.: Do what is necessary to be done in taking depositions. Act as if the matter was your own and let us know. Chapman’s family

all sick, but will come if it is absolutely necessary. Wire us if you will do this."

Mr. GRIMES. I know there was money got there, but——

Senator CURTIS. You said you did not know anything about Conine. I want to show you what your agents, your partners, did. They say, "Do what is necessary to be done."

Mr. GRIMES. I was at Harrah and they were down here. There were lots of telegrams sent that I did not know anything about.

Senator CURTIS. Do you not know that when this committee went down there those people wired Conine?

Mr. GRIMES. No, sir; I do not.

Senator CURTIS. And told him to follow the depositions?

Mr. GRIMES. No, sir.

Senator CURTIS. What instructions did they give you when you went down there, to follow the depositions?

Mr. GRIMES. They never gave me any instructions at all.

Senator CURTIS. Did they send any money when you went down to have those depositions taken?

Mr. GRIMES. I think I took \$50 and paid my fare out of that.

Senator CURTIS. Why was it necessary to pay \$50 in gold before you could get those depositions?

Mr. GRIMES. I do not know; there were lots of Indians there, and there were expense and an awful trouble to get the depositions. They seemed as if they did not understand how to take a deposition that was to be used in America.

Senator CURTIS. And you had to pay \$500 gold to the Mexican officers, did you not?

Mr. GRIMES. We started in with one officer, and he turned it down and then brought up a big bill, and we had to pay that or get into trouble.

Senator CURTIS. Get into trouble over what?

Mr. GRIMES. I do not know what it was.

Senator CURTIS. You took these depositions before the same judge before whom you claimed to take acknowledgments of deeds, did you not?

Mr. GRIMES. Our lawyer took them.

Senator CURTIS. Before the same judge?

Mr. GRIMES. No, sir; not before the same judge at all.

Senator CURTIS. It was before the same interpreter—you had the same interpreter, did you not?

Mr. GRIMES. Well, I think he interpreted some, and Mr. Bentley's lawyer was there, and I do not know who all. He talked Spanish.

Senator CURTIS. Do you know what was done with that \$2,000 Mexican that Chapman got from the First National Bank at Eagle Pass just two or three days before those deeds were taken?

Mr. GRIMES. No, sir.

Senator CURTIS. Is it not a little strange that you should need, without any money being paid, \$2,000 Mexican before those deeds were taken, and then later on when you went to take depositions from practically the same parties you should need \$500 gold?

Mr. GRIMES. I do not know anything about that.

Senator CURTIS. How much did you pay for whisky, beer, and mescal down there?



Mr. GRIMES. I do not know anything about that. I never tasted mescal but once or twice in my life.

Senator CURTIS. It was too strong for you, was it?

Mr. GRIMES. I bought beer.

Senator CURTIS. You let the Indians drink mescal and you drank the beer?

Mr. GRIMES. They could drink all they wanted to.

Senator CURTIS. You let them drink mescal, did you?

Mr. GRIMES. Yes, sir; all they wanted to, provided they bought it.

Senator CURTIS. Mack Johnson was drunk nearly all the time, was he not?

Mr. GRIMES. He was drinking some of the time.

Senator CURTIS. Murdock was drinking, was he not?

Mr. GRIMES. Not very much.

Senator CURTIS. George Kishketon was drinking, was he not?

Mr. GRIMES. Very little.

Senator CURTIS. You did not hear George testify the other day that he was drinking all the time and that you furnished him the whisky, did you?

Mr. GRIMES. No, sir.

Senator CURTIS. Were you down there on July 27, 1906, you and Brown?

Mr. GRIMES. Brown and I were down there; I do not recollect the exact date.

Senator CURTIS. What was the trouble that occurred there then? Do you remember Brown wiring Benson about some trouble there?

Mr. GRIMES. No, sir.

Senator CURTIS. There was some trouble, was there not?

Mr. GRIMES. I do not recollect.

Senator CURTIS. Let me read you this dispatch and see if you can locate the trouble: "Muzquiz, July 27, 1906. C. J. Benson. Every-thing in the air; will be home on the first train."

Mr. GRIMES. I do not know what that meant.

Senator CURTIS. Is that not the date that Outcalt arrived there?

Mr. GRIMES. I do not know.

Senator CURTIS. And that Bonnet arrived?

Mr. GRIMES. I do not know; I do not know anything about the telegram.

Senator CURTIS. Did you draw on anybody up here for money while you were down there on December 30, 1906?

Mr. GRIMES. Yes, sir; I think I drew on Mr. Benson for some money.

Senator CURTIS. In December, 1906?

Mr. GRIMES. I do not recollect the time.

Senator CURTIS. Did you draw on Garrett for any money?

Mr. GRIMES. I think so.

Senator CURTIS. How much?

Mr. GRIMES. I do not remember.

Senator CURTIS. How many times did you draw on Garrett for money?

Mr. GRIMES. I do not know; we went on and did business down there.

Senator CURTIS. Did you not wire Garrett as follows: "Muzquiz, December 30, 1906. Can you put off those trials? Important busi-

ness here. Arrange for me to draw \$1,500. Haven't drawn yet. Answer." You signed that, did you not?

Mr. GRIMES. I think I did.

Senator CURTIS. You will not deny that you did when we have the official copy here?

Mr. GRIMES. I say I do not deny it.

Senator CURTIS. John Garrett did not send you the money, did he?

Mr. GRIMES. I do not recollect whether he sent me money at that time or not.

Senator CURTIS. He took it with him, did he not?

Mr. GRIMES. Garrett took the money; yes, sir.

Senator CURTIS. What did this man Alexander mean when he wired up here to you from Muzquiz on the 30th of May, 1907, "All's O. K. Come at once. Answer."

Mr. GRIMES. I guess that was in regard to those deeds there that we had been talking about.

Senator CURTIS. Did you have to do anything for Mack Johnson down there at Muzquiz; did you get any wire from him?

Mr. GRIMES. I think maybe I did; I do not recollect what it was, though.

Senator CURTIS. Did you receive a wire from him in November, 1906, to come down there?

Mr. GRIMES. I do not recollect. Will you read it?

Senator CURTIS. It reads, "You come over here, Muzquiz. Cash, Mex. I meet you. Mack Johnson." That is, bring Mexican cash money?

Mr. GRIMES. Yes, sir; I guess he had reference to his land; I bought his land and owed him something on it.

Senator CURTIS. You think he had reference to that, do you?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Do you owe Mack Johnson anything now?

Mr. GRIMES. No, sir.

Senator CURTIS. When did you pay him?

Mr. GRIMES. I have paid him all along.

Senator CURTIS. You did not meet Jacobs, you say, at Barroteran?

Mr. GRIMES. No, sir.

Senator CURTIS. Will you say that you did not?

Mr. GRIMES. No, sir; I would not. I do not recollect whether I did or not, but I do not think I did. There are so many of those changes around that I do not recollect all of them.

Senator CURTIS. What did you folks have on hand in January, 1907, while you and Garrett were at Muzquiz, when he wired you he could not leave until the 5th and that you must be there on the 5th. Was that something with regard to your trials, or what was it?

Mr. GRIMES. I think that was in regard to Effie Douglass wanting the rest of her money.

Senator CURTIS. What effort did you make to get any money for the old woman I have mentioned? Did you pay her any more money?

Mr. GRIMES. Yes, sir; I paid her some.

Senator CURTIS. How much did you pay her?

Mr. GRIMES. I think it was something like \$550.

Senator CURTIS. Mexican?

Mr. GRIMES. No, sir; American.

Senator CURTIS. Did you pay any of your own?

Mr. GRIMES. No, sir.

Senator CURTIS. You just paid what Garrett sent you, did you not?

Mr. GRIMES. Yes, sir; what he gave me.

Senator CURTIS. He was not there on May 20, was he?

Mr. GRIMES. I do not recollect about the date.

Senator CURTIS. You wired, "Send \$400 Eagle Pass for old woman. Answer." You sent that, did you not?

Mr. GRIMES. Probably so.

Senator CURTIS. Do you say that you did not?

Mr. GRIMES. I say I probably did.

Senator CURTIS. How much did you pay that Indian girl for marrying that boy?

Mr. GRIMES. Nothing.

Senator CURTIS. Did you not give her \$50 Mexican?

Mr. GRIMES. No, sir.

Senator CURTIS. How much money did you pay the boy the next morning?

Mr. GRIMES. I think we gave him \$25 gold.

Senator CURTIS. And you gave the girl \$25 Mexican, did you not?

Mr. GRIMES. No, sir.

Senator CURTIS. You gave the boy \$50 Mexican and the girl \$5 gold, did you not?

Mr. GRIMES. No, sir; I do not remember about that. I have it down home.

Senator CURTIS. Why did you not bring it with you? You were subpoenaed to bring all your papers and everything in connection with this case.

Mr. GRIMES. I forgot it.

Senator CURTIS. You know that the summons in this case instructed you to bring all deeds and papers?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Then why did you not bring them?

Mr. GRIMES. I misplaced that. It was in my other coat.

Senator CURTIS. Did you bring your deeds?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Have you all of them with you?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Please let us see them.

(The witness here produced the papers asked for.)

Senator CURTIS. Will you bring all your papers here to-morrow morning?

Mr. GRIMES. Yes, sir; I think I have got everything.

Senator CURTIS. I want you to bring all of your accounts here to this committee to-morrow morning.

Mr. GRIMES. There is the Puck-e-shinno deed [exhibiting paper].

Senator CURTIS. Did Joe Clark do any work for you?

Mr. GRIMES. No, sir; not that I know of; he might have, but I do not recollect anything about it; if he ever did I do not know anything about it.

Senator CURTIS. This is the Puck-e-shinno deed?

Mr. GRIMES. Yes, sir.

Senator CURTIS. This deed was executed in Eagle Pass, was it?

Mr. GRIMES. Yes, sir.

Senator CURTIS. You witnessed the signatures, did you not?

Mr. GRIMES. I do not know whether I did or not.

Senator CURTIS. Well, you took a deed for \$1,500 to Martha A. Grimes?

Mr. GRIMES. Yes, sir.

Senator CURTIS. She was not there, was she?

Mr. GRIMES. No, sir.

Senator CURTIS. And then you and your paid interpreter witnessed the marks of those two Indians, the boy and the girl that you afterwards had married?

Mr. GRIMES. Yes, sir; I witnessed that.

Senator CURTIS. And your paid interpreter witnessed it too?

Mr. GRIMES. Yes, sir.

Senator CURTIS. There is no disinterested witness to it, is there?

Mr. GRIMES. George Kishketon was not interested.

Senator CURTIS. But he was your paid interpreter; he was working for you people?

Mr. GRIMES. He was not working for me at that time. He came over with the Indians.

Senator CURTIS. He was interpreting for your people at that time, was he not?

Mr. GRIMES. Yes, sir.

Senator CURTIS. And under your pay, was he not?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Here is a deed from Na-ah-che-thot. Is that the other boy that you had married?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Did you know at that time that Mr. Bentley was the guardian of the boy?

Mr. GRIMES. Well, I knew that he had lost his land down there under that law. I do not know whether he considered him guardian or not.

Senator CURTIS. How much money did you pay this Na-ah-che-thot?

Mr. GRIMES. About the same as the other one, I guess. Counting everything, expenses and everything, I do not know how much.

Senator CURTIS. You had those Indians married on the 17th and you took deeds from them on the 18th, did you not?

Mr. GRIMES. I think there was about a day's difference.

Senator CURTIS. Now, this second deed that you took for \$1,500, what was the consideration of the other deed?

Mr. GRIMES. \$1,500.

Senator CURTIS. \$1,500 in each case?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Did you pay the boy mentioned, Na-ah-che-thot, \$1,500.

Mr. GRIMES. No, sir; I have not paid him.

Senator CURTIS. How much did you pay him?

Mr. GRIMES. I paid him about the same—expenses and everything—I do not know how much.

Senator CURTIS. You did not charge your expenses up to the Indians, did you?

Mr. GRIMES. I did not charge it up to them, but I gave them the \$1,500; that was to come clear; that other was outside.

Senator CURTIS. There were three allotments in that deed, were there not—in the Na-ah-che-thot deed?

Mr. GRIMES. There are two allotments, and one allotment that I bought through the Government, that Mr. Bentley had written up in his own office and advertised, for the same Indian. He has been contesting it for five or six years, trying to fight it.

Senator CURTIS. How much are those three pieces of land worth?

Mr. GRIMES. I gave \$1,200 for one.

Senator CURTIS. How much did you give for the other?

Mr. GRIMES. \$1,500.

Senator CURTIS. How much was the third worth?

Mr. GRIMES. According to the way I bought them they are worth about \$3,700 or \$3,800.

Senator CURTIS. How much have you paid Na-ah-che-thot?

Mr. GRIMES. I did not pay him but a little.

Senator CURTIS. How much more than \$25 gold?

Mr. GRIMES. I think I paid him \$25 and let him have some little stuff.

Senator CURTIS. Then you have not paid him a cent?

Mr. GRIMES. Nothing more than this other stuff.

Senator CURTIS. What other stuff?

Mr. GRIMES. I never charged that against him?

Senator CURTIS. That you gave him for getting married?

Mr. GRIMES. No, sir.

Senator CURTIS. You did not give him \$25 just out of the generosity of your heart, did you?

Mr. GRIMES. I gave him that because it was that much more on his land.

Senator CURTIS. Tell this committee how much you have paid that boy on that land.

Mr. GRIMES. I have not paid him anything yet.

Senator CURTIS. Is it still in your name?

Mr. GRIMES. It never was in my name.

Senator CURTIS. Whose name is it in? That was to your wife, was it?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Didn't she pay the boy?

Mr. GRIMES. Not that I know of.

Senator CURTIS. Then neither you nor your wife have ever paid the boy for this land?

Mr. GRIMES. No, sir; I had a contract with them—

Senator CURTIS. Here is another deed from Na-ah-che-thot to your wife. Did you pay him any money?

Mr. GRIMES. No, sir. I have answered that before.

Senator CURTIS. You paid him no money? That was taken to your wife?

Mr. GRIMES. Yes, sir.

Senator CURTIS. You and George Kishketon witnessed it, and there is no disinterested witness; is that not true?

Mr. GRIMES. Well, it shows for itself.

Senator CURTIS. Is that not so? Please look at it [handing paper to witness].

Mr. GRIMES. That is all I see.

Senator CURTIS. Have you any more deeds than those two?

Mr. GRIMES. No, sir.

Senator CURTIS. Are those all the deeds you have in your name?

Mr. GRIMES. Did I not give you Mack Johnson's deed?

Senator CURTIS. You have only shown two here. Here is a deed from Mack Johnson and wife.

Mr. GRIMES. Yes, sir.

Senator CURTIS. The consideration mentioned in this deed is \$2,000.

Mr. GRIMES. Yes, sir.

Senator CURTIS. And the deed is to your wife, Martha A. Grimes?

Mr. GRIMES. Yes, sir.

Senator CURTIS. At the time that deed was executed how much money did you pay?

Mr. GRIMES. Right at the time?

Senator CURTIS. Yes.

Mr. GRIMES. It was either \$3,000 or \$4,000; I do not remember.

Senator CURTIS. How much have you paid him since?

Mr. GRIMES. I have paid him the whole thing and a little bit over.

Senator CURTIS. He says you have only paid him about \$900. Have you receipts for all of it?

Mr. GRIMES. Yes, sir [producing papers].

Senator CURTIS. You brought those with you, did you? Where did you pay this.

Mr. GRIMES. I paid it in Mexico, and then in Eagle Pass.

Senator CURTIS. And where else?

Mr. GRIMES. That is all, I think, and he owed me—

Senator CURTIS. Where was this receipt given?

Mr. GRIMES. At Harrah, Okla.

Senator CURTIS. Then you did not take a receipt each time?

Mr. GRIMES. No, sir; I just figured up and settled.

Senator CURTIS. You and he had a settlement did you?

Mr. GRIMES. Yes, sir; we sat down at my house and figured it up. He owed me \$70.70.

The CHAIRMAN. Was that when you took the deed?

Mr. GRIMES. No, sir; afterwards. I paid him. I overpaid him \$70.70.

The CHAIRMAN. On this deed?

Mr. GRIMES. Yes, sir; I just let him have the money.

Senator CURTIS. Now, the night before Mr. Bentley escaped from prison, where were you—I mean the day he was acquitted and left there?

Mr. GRIMES. If he was ever acquitted, I do not know it.

Senator CURTIS. He had a trial there, had he not?

Mr. GRIMES. He got away. I understood.

Senator CURTIS. The night he got away, where were you; in the telegraph office most of the time, were you not?

Mr. GRIMES. No, sir; I think I was in Eagle Pass.

Senator CURTIS. Were you not in Muzquiz?

Mr. GRIMES. No, sir; I believe I was in the Indian camp.

Senator CURTIS. What time did you go to the Indian camp?

Mr. GRIMES. I do not know; I could not say.

Senator CURTIS. Did you meet Mr. Thackery on the day Mr. Bentley left there, or did you see him?

Mr. GRIMES. I can not recall whether I did or not.

Senator CURTIS. Do you know Rachel Kirk?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Did you ever see her intoxicated?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Where?

Mr. GRIMES. I saw her in Muzquiz.

Senator CURTIS. Where else?

Mr. GRIMES. I think that is all.

Senator CURTIS. How many times did you see her intoxicated in Muzquiz?

Mr. GRIMES. I have seen her drinking around a good many times in Muzquiz.

Senator CURTIS. How many times did you see her in the hotel, where your people stopped, under the influence of liquor?

Mr. GRIMES. I could not say that.

Senator CURTIS. How many times did you folks take her up in the rooms occupied by yourself and Outcalt and other people?

Mr. GRIMES. Outcalt's room was not where ours was.

Senator CURTIS. Where was your room?

Mr. GRIMES. Ours was on the north end—a back room. There were lots of cots in there.

Senator CURTIS. How many times was this girl Rachel Kirk drunk in your room?

Mr. GRIMES. I never saw her drunk in there.

Senator CURTIS. You saw her up there when she was drinking, did you not?

Mr. GRIMES. Yes, sir.

Senator CURTIS. How many times did you have her up there?

Mr. GRIMES. I never had her there.

Senator CURTIS. How many times was she there when you were up there?

Mr. GRIMES. I could not tell you.

Senator CURTIS. How did she happen to come into that room?

Mr. GRIMES. Just like other Indians who would come up in the room.

Senator CURTIS. Had she been drinking?

Mr. GRIMES. Sometimes she had and sometimes she had not.

Senator CURTIS. Cal Moore was there, was he not?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Do you remember on one day when she was there drunk and Cal Moore had to lift her out into the buggy to get her away?

Mr. GRIMES. I recollect that she was drinking, and they wanted to have me get her in the wagon and I told them I would not have anything to do with her.

Senator CURTIS. You were willing to have something to do with her when she was sober?

Mr. GRIMES. I never did.

Senator CURTIS. You say she was up in your room. Did you ever give her anything to drink?

Mr. GRIMES. No, sir.

Senator CURTIS. Did Cal Moore ever give her anything to drink in your presence?

Mr. GRIMES. Not that I know of.

Senator CURTIS. Did you see her in any of the other rooms in the hotel?

Mr. GRIMES. She was in the room down below.

Senator CURTIS. She was back of that room that was occupied by Mr. Outcalt, was she?

Mr. GRIMES. No, sir.

Senator CURTIS. Did you ever see her back of the room where Mr. Outcalt was?

Mr. GRIMES. There was none back of it.

Senator CURTIS. Or near it, on the same floor?

Mr. GRIMES. She might have been in Outcalt's room at the time of some of those collections, or something like that. He was there paying for the Government. I do not know who was there. I do not know whether I saw her in there or not, but I may have. I have seen lots of Indians in there. Outcalt was paying something for the Government; I do not know what it was, but he was representing the Government and was paying something for the Government.

Senator CURTIS. Do you claim you do not know what Mr. Outcalt was doing down there?

Mr. GRIMES. Nothing, only what he told me.

Senator CURTIS. What did he tell you?

Mr. GRIMES. He was representing the Government and paying those Indians; trying to get them take their lease money—I think it was lease money, or annuity money.

Senator CURTIS. How long was he there?

Mr. GRIMES. I do not know that.

Senator CURTIS. Have you any idea?

Mr. GRIMES. He was there, I guess, a couple of months or a month and a half.

Senator CURTIS. Do you know of his being wired to come home on two or three occasions?

Mr. GRIMES. No, sir; I do not.

Senator CURTIS. Did he say anything to you about it?

Mr. GRIMES. No, sir.

Senator CURTIS. How many times were you in his room?

Mr. GRIMES. Several times; I did not count them.

Senator CURTIS. As many as five times?

Mr. GRIMES. Oh, I expect so.

Senator CURTIS. As many as twenty?

Mr. GRIMES. Yes; I think I have been in there twenty times.

Senator CURTIS. Were you in there as often as once a day when you were at Muzquiz?

Mr. GRIMES. I expect so.

Senator CURTIS. And so was Cal Moore, was he not?

Mr. GRIMES. I do not think Cal was —

Senator CURTIS. I mean when he was in Muzquiz?

Mr. GRIMES. I do not think Cal ever went around.

Senator CURTIS. Al Brown was—you saw him there?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Chapman was there?

Mr. GRIMES. Yes, sir.



Senator CURTIS. You were all from Oklahoma?

Mr. GRIMES. Yes, sir.

Senator CURTIS. And all neighbors, substantially, as the western phrase goes?

Mr. GRIMES. Yes, sir; there were no other white people there.

Senator CURTIS. You told Outcalt why you were down there, did you not?

Mr. GRIMES. Yes, sir; certainly.

Senator CURTIS. What did he say to you?

Mr. GRIMES. He said he had nothing to do with that at all.

Senator CURTIS. Did he tell you to go on and get the land?

Mr. GRIMES. No, sir.

Senator CURTIS. Now, about how much profit is there in each piece of land that you and your partners got down there?

Mr. GRIMES. I could not tell you anything about that.

Senator CURTIS. Well, did you pay one quarter of the value of the land?

Mr. GRIMES. Oh, yes, sir; a good deal more than that.

Senator CURTIS. Here is a boy from whom you got a deed for three pieces of land, the consideration being \$1,500, for which you did not pay a cent; you admit that to this committee. How much is your profit in that transaction?

Mr. GRIMES. My agreement with him was that when this business was straightened up I was to pay it. I have a contract with him.

Senator CURTIS. When did you get that contract?

Mr. GRIMES. I got it at the time.

Senator CURTIS. After you had him taken out of the jail where he had been kept all night drunk, and after you had him married while he was drunk, you took that deed and contract from him?

Mr. GRIMES. He was not drunk.

Senator CURTIS. You took him out of jail when he was drunk, did you not?

Mr. GRIMES. He had been the night before, but he was not then; he had not had anything.

Senator CURTIS. Was it not within one hour after the Mexican had thrown him in jail that you took him out and had him married to that woman?

Mr. GRIMES. No, sir.

Senator CURTIS. How long after you got him out of jail was it before you had him married?

Mr. GRIMES. I do not know just how long.

Senator CURTIS. After you got him out of jail how long was it before you took him up and had him married and paid the expenses yourself?

Mr. GRIMES. I could not tell you.

Senator CURTIS. It was not an hour, was it?

Mr. GRIMES. I do not recollect.

Senator CURTIS. You took him the same night, did you not?

Mr. GRIMES. He was taken out, I think, along in the forenoon.

Senator CURTIS. Now, was not that boy thrown in jail that night and taken out that night and married the same night, and do not the records there so show?

Mr. GRIMES. No, sir. I do not care what the records show. He was lying when he said so.

Senator CURTIS. The records were lying?

Mr. GRIMES. I mean Mr. Bentley.

Senator CURTIS. Mr. Bentley has not said anything to me about it. I am telling you what the records show.

Mr. GRIMES. I do not care what the records show.

Senator CURTIS. You paid his fine, did you not?

Mr. GRIMES. Yes, sir.

Senator CURTIS. And you took him out of jail?

Mr. GRIMES. Yes, sir; they had him in the jail when I went there, in the sheriff's office.

Senator CURTIS. He was taken right out of the jail to the sheriff's office, was he?

Mr. GRIMES. Yes, sir.

Senator CURTIS. And you paid his fine?

Mr. GRIMES. I went there and he was out, and I paid his fine.

Senator CURTIS. And right in there he executed the deed, right away, did he not?

Mr. GRIMES. I do not know how long it was; I do not recollect.

Senator CURTIS. You were there and saw it all, did you not?

Mr. GRIMES. You said the same night.

Senator CURTIS. Well, so it was the same night; I want to know the length of time that elapsed between the time when he was taken out of jail and the time you had him married. You witnessed the marriage?

Mr. GRIMES. I guess maybe I did; I do not know what I witnessed.

Senator CURTIS. You witnessed the marriage, did you not?

Mr. GRIMES. Yes, sir.

Senator CURTIS. And you do not recollect how long it was?

Mr. GRIMES. No, sir.

Senator CURTIS. Did you get the consent of the father for that boy to marry Puck-e-shinno—did you get the consent of Jim Deer for that boy to marry?

Mr. GRIMES. Yes, sir; they got his consent.

Senator CURTIS. Who got it for you—Tony Alexander, did he not?

Mr. GRIMES. He and I were together.

Senator CURTIS. And he got it?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Did that man ever sign that consent?

Mr. GRIMES. Jim Deer?

Senator CURTIS. Yes.

Mr. GRIMES. Yes, sir.

Senator CURTIS. Did you see him sign it?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Who witnessed his signature?

Mr. GRIMES. I do not remember now.

Senator CURTIS. You and Jacobs, did you not?

Mr. GRIMES. I do not recollect now.

Senator CURTIS. Which one of you wrote his name?

Mr. GRIMES. I could not tell you that.

Senator CURTIS. You would remember it if you had done it, would you not?

Mr. GRIMES. No, sir; it is just like that deed there.

Senator CURTIS. Do you not know that that Indian did not know what he was signing?

Mr. GRIMES. No, sir; it was explained to him. Jim Deer can talk right smart English.

Senator CURTIS. Not enough to understand, can he?

Mr. GRIMES. Oh, yes, sir.

Senator CURTIS. Well, he had to have an interpreter before this committee.

Mr. GRIMES. He talks English enough. He always understood me.

Senator CURTIS. How did you talk to him, in broken English?

Mr. GRIMES. Yes, sir; tolerably broken.

Senator CURTIS. That is all I care to ask.

The CHAIRMAN. Mr. Grimes, how old did you say Puck-e-shinno is—17, is he not?

Mr. GRIMES. He was 19, or past, at that time.

The CHAIRMAN. Your theory is that being married he became an adult, is that it?

Mr. GRIMES. Well, according to the law that I have had read to me it gave him the right to transfer his property.

The CHAIRMAN. If he was married?

Mr. GRIMES. Yes, sir.

The CHAIRMAN. Then you had him married so that he might transfer his property?

Mr. GRIMES. Yes, sir; he had been wanting to marry for five or six months.

The CHAIRMAN. Did he want to marry that particular woman?

Mr. GRIMES. Yes, sir; he told me so.

The CHAIRMAN. And in order to assist him in getting married you bought his property, I suppose?

Mr. GRIMES. I bought his property afterwards.

The CHAIRMAN. How long after he was married did you buy his property?

Mr. GRIMES. I do not remember whether it was that day or the next. I could not tell you.

The CHAIRMAN. How long after he came out of jail was it—the same day he was married?

Mr. GRIMES. That is what I told you I could not recollect.

The CHAIRMAN. But it was either that day or the next?

Mr. GRIMES. Yes, sir.

The CHAIRMAN. Your deed bears date on the date he was married, does it not?

Mr. GRIMES. Yes, sir.

The CHAIRMAN. Here is a marriage certificate that shows that he was married on the 18th day of June, 1907, and the deed is dated the 18th of June. So he was married in fact on that very day?

Mr. GRIMES. Yes, sir; the same day.

The CHAIRMAN. Now, this other boy, Na-ah-che-thot, how old was he?

Mr. GRIMES. He was two years younger—17, about.

The CHAIRMAN. Was he married the next day or the day after, or how was that?

Mr. GRIMES. I think he was married the same day, some time about that time.

The CHAIRMAN. Here is a marriage certificate that shows that he was married on the 17th of June and gave his deed on the 18th. At least the deed is acknowledged on the 18th. Now, you say you did not pay the first boy, Puck-e-shinno, any money at all?

Mr. GRIMES. No more than I just gave him some money to go back on.

The CHAIRMAN. And you say you did not charge that up against him?

Mr. GRIMES. No, sir.

The CHAIRMAN. That was a gift, was it?

Mr. GRIMES. Yes, sir.

The CHAIRMAN. Why did you give him any money?

Mr. GRIMES. He had to go back home.

The CHAIRMAN. You had brought him up there to get married, had you not?

Mr. GRIMES. I thought if those deeds were good I was willing to pay for them.

The CHAIRMAN. They are pretty good for what you paid, are they not; you have not paid anything for the property, yet?

Mr. GRIMES. No, sir; I have paid nothing for the property, but I have been at a good deal of expense.

The CHAIRMAN. But not to expense in getting this deed?

Mr. GRIMES. Yes, sir.

The CHAIRMAN. How much expense have you been to in getting this deed?

Mr. GRIMES. I did not keep an account. There was some expense at Eagle Pass; we kept them there, and I took him out of jail and gave him \$25 in money.

The CHAIRMAN. Did you pay his fine in order to get him out of jail?

Mr. GRIMES. Yes, sir; one of us; I believe I gave a check for it.

The CHAIRMAN. You paid the money or gave the check?

Mr. GRIMES. For the fine.

The CHAIRMAN. You paid him money to go back. Where was he going?

Mr. GRIMES. To Muzquiz.

The CHAIRMAN. How was he to live when he got there; he had no land and no money?

Mr. GRIMES. Well, Mr. Bentley had had him down there for five or six years. It would be just the same as it had always been.

The CHAIRMAN. Why did you not pay him the money for the land?

Mr. GRIMES. I did not know whether the deed was good or not.

Senator CURTIS. You said you had consulted lawyers?

Mr. GRIMES. Yes, sir.

The CHAIRMAN. And they said it would be a good deed, but you had some doubts about it.

Mr. GRIMES. Yes, sir.

The CHAIRMAN. Have you possession of the land now?

Mr. GRIMES. No, sir.

The CHAIRMAN. Who has possession of it?

Mr. GRIMES. A man has a Government lease on one of the pieces, and Mr. Bentley has got possession of the other under a lease made under this bill. He says he is the guardian of the child, but he made

a lease to the old woman who had the care and custody of this boy for five years.

The CHAIRMAN. Mr. Bentley and you have not been very good friends for a number of years, have you?

Mr. GRIMES. No, sir.

The CHAIRMAN. You have been trying to get possession of a piece of Indian land that he has been fighting you about, have you not?

Mr. GRIMES. He has been fighting me on a piece of deeded land that I own.

The CHAIRMAN. Who did you buy it of?

Mr. GRIMES. The Government.

The CHAIRMAN. Did you give either of those boys anything to show that you owed them money?

Mr. GRIMES. Yes, sir.

The CHAIRMAN. What did you give them?

Mr. GRIMES. I gave them my note.

The CHAIRMAN. You gave each of them a note for \$1,500?

Mr. GRIMES. Yes, sir.

The CHAIRMAN. Have they got the notes now?

Mr. GRIMES. They deposited the notes in the First National Bank at Eagle Pass.

Senator CURTIS. Who was with them when they deposited them; you were there, were you not?

Mr. GRIMES. Yes, sir.

Senator CURTIS. You put the note there, did you not?

Mr. GRIMES. No, sir; he went there and deposited it.

Senator CURTIS. You went with him?

Mr. GRIMES. Yes, sir; I was with him.

The CHAIRMAN. Can he go and get those notes if he wants to?

Mr. GRIMES. Yes, sir; he deposited them there himself. I went around there with him; he and George Kishketon went around to the front window and deposited the note, and I walked around there about the time they were fixing it up.

The CHAIRMAN. When are those notes payable?

Mr. GRIMES. They are payable when this matter is settled.

The CHAIRMAN. That is not very much of a note, is it?

Mr. GRIMES. I do not know.

The CHAIRMAN. Is there any specified time for payment when they can call on you for the money?

Mr. GRIMES. I do not recollect how they read exactly, but I think it is stated.

The CHAIRMAN. You have a copy of that note, have you not?

Mr. GRIMES. No, sir.

Senator CURTIS. Have you a copy of the contract with you?

Mr. GRIMES. No, sir.

Senator CURTIS. Where is it?

Mr. GRIMES. The contract is just written in the note.

The CHAIRMAN. It is really a contract instead of a note, is it?

Mr. GRIMES. It is a note, and this specification is made right at the bottom of the note.

The CHAIRMAN. If you can hold this land, then you are to pay them \$1,500?

Mr. GRIMES. Yes, sir.

The CHAIRMAN. Take the first boy, Puck-e-shinno; what is that boy's land worth?

Mr. GRIMES. I do not know.

The CHAIRMAN. What is your estimate on it; you bought it?

Mr. GRIMES. There is a man half a mile this side of it who—

The CHAIRMAN. I do not want you to tell what somebody else has done?

Mr. GRIMES. He paid \$2,800 at the agency for his piece.

The CHAIRMAN. What do you hold this piece at?

Senator CURTIS. Is not the Puck-e-shinno land right near town?

Mr. GRIMES. It is near the north end of the town.

Senator CURTIS. Is it not worth \$10,000?

Mr. GRIMES. I do not know where you could get that for it.

Senator CURTIS. Do you not know that that land near the town is worth \$10,000?

Mr. GRIMES. No, sir; I do not.

Senator CURTIS. How much is it worth?

Mr. GRIMES. I do not know.

Senator CURTIS. You are a judge of real estate; you have been farming here for twenty-five years; can you not tell?

Mr. GRIMES. I think it is worth two or three times as much as I gave.

Senator CURTIS. And you would not sell it for \$6,000 if you had a good title, would you?

Mr. GRIMES. Yes, sir; I would be glad to do it.

Senator CURTIS. How do you happen to have these marriage certificates. The women usually have them, do they not?

Mr. GRIMES. They got them out and they told me to bring them up here. I told them to let me have them.

Senator CURTIS. Who told you?

Mr. GRIMES. Puck-e-shinno.

Senator CURTIS. Did you ask them for them?

Mr. GRIMES. Yes, sir.

Senator CURTIS. You wanted them, did you not?

Mr. GRIMES. Yes, sir; I wanted to bring them up here.

Senator CURTIS. How often have you looked at them?

Mr. GRIMES. I do not know.

Senator CURTIS. Are you not ashamed of yourself every time you look at them?

Mr. GRIMES. No, sir.

The CHAIRMAN. Let them go into the record.

The papers are as follows:

MARRIAGE CERTIFICATE.

STATE OF TEXAS, *County of Maverick:*

This instrument witnesseth: That on the 18th day of June, A. D. 1907, there was issued out of the office of the clerk of the county court of said county a license for the marriage of Mr. Puck-ke-shin-no and Miss Thi-tho-quah, and on the 18th day of June, A. D. 1907, said parties were legally united in marriage by a properly authorized person, named in said license, and due return thereof made to this office in the manner and form required by law, all of which is duly entered upon the marriage records of my office in volume 4, page 262.

Witness my hand and official seal at my office in Eagle Pass, Tex., on this 18th day of June, A. D. 1907.

[SEAL.]

FRED M. LEGE.

*Clerk County Court, Maverick County, Tex.*

## MARRIAGE CERTIFICATE.

STATE OF TEXAS, *County of Maverick:*

This instrument witnesseth: That on the 17th day of June, A. D. 1907, there was issued out of the office of the clerk of the county court of said county a license for the marriage of Mr. Nah-ah-che-that and Miss Quah-to-Quah, and on the 17th day of June, A. D. 1907, said parties were legally united in marriage by a properly authorized person, named in said license, and due return thereon made to this office in the manner and form required by law, all of which is duly entered upon the marriage records of my office in volume 4, page 261.

Witness my hand and official seal at my office in Eagle Pass, Tex., on this the 17th day of June, A. D. 1907.

[SEAL.]

FRED. M. LEGE,

*Clerk County Court, Maverick County, Tex.*

Senator CURTIS. Did not you and Cal Moore help get a lot of Indians, or advise a number of Indians, to go down to Mexico about the 15th or 16th of May, 1906?

Mr. GRIMES. Yes, sir; I think we did.

Senator CURTIS. How many did you induce to go down there?

Mr. GRIMES. There were lots of them who met us intending to go, and then we decided not to take them. They met us at Monclova.

Senator CURTIS. How many met you?

Mr. GRIMES. Twenty or twenty-five, I expect. A lot of them came over.

Senator CURTIS. What did you tell them?

Mr. GRIMES. I told them there was a bill about to be passed by which they could sell their land and they could go to Mexico, and they said they wanted to go and wanted to sell their land.

Senator CURTIS. You knew at that time that they were living here, did you not?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Did you not tell them there was going to be a big payment down there?

Mr. GRIMES. No, sir. I told them if the bill was passed I supposed they could sell their lands.

Senator CURTIS. Did you not bring these marriage certificates up here to use as evidence in a case?

Mr. GRIMES. I brought those up here just to show that they were married.

Senator CURTIS. You made a motion to have the guardian discharged and you expected to use those marriage certificates in that connection, did you not?

Mr. GRIMES. No, sir.

Senator CURTIS. You expected to use them in evidence in a case, if you had one—in which you moved for a discharge of the guardian?

Mr. GRIMES. I expected to use them as the record of the Indian, if this land was all right and would stand good. I aimed to give mortgages and pay the Indians, and I wanted these to show to a man that I wanted to mortgage to.

Senator CURTIS. In what cases did you move to have the guardian discharged—you or Chapman, or any of your crowd?

Mr. GRIMES. I do not know what they did.

Senator CURTIS. There were several, were there not? You took deeds from minors down there right along, did you not?

Mr. GRIMES. No, sir.

Senator CURTIS. You people got deeds from girls down there, one not over 16 years old, did you not?

Mr. GRIMES. No, sir; I think not. There was one girl who was taken who claimed she was married down there to a Nacimiento Indian; she claimed to have a husband.

Senator CURTIS. She was not over 16, was she?

Mr. GRIMES. I do not recollect her age.

Senator CURTIS. She does not look to be over 15, does she?

Mr. GRIMES. She is not very old looking.

Senator CURTIS. You knew she was not 21?

Mr. GRIMES. I thought she was about 18.

Senator CURTIS. Well, 18 does not make her an adult?

Mr. GRIMES. I did not know her age exactly.

Mr. EMBRY. The deed of Ah-ten-y-tuck, dated June 25, 1906, to Willard Johnston. I notice in that case that Johnston conveyed that land to you, did he not, by deed?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. How much did you pay Johnston for that?

Mr. GRIMES. Well, I think we calculated about \$4,250, I believe.

Mr. EMBRY. That is, you received that as part of that common undertaking of buying land down there?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. This was one of the contracts that you bought there together with the other land?

Mr. GRIMES. Yes, sir; I do not think it was worth that, but we took it to get it straightened up. They had some where there were four and five years' leases on it. It was an old home place where my house had been.

Mr. EMBRY. It appears that you and your wife mortgaged this to Willard Johnston and C. M. Cade. You did not get any money on that mortgage, did you?

Mr. GRIMES. I put a mortgage on it for \$2,250.

Mr. EMBRY. To whom?

Mr. GRIMES. I think that went to Enos Nichols.

Mr. EMBRY. You received nothing on this mortgage to Johnston and Cade?

Mr. GRIMES. That was before we divided up.

Mr. EMBRY. That was one of the transactions where you had all the land in common?

Mr. GRIMES. Yes, sir; that was before we divided it up.

Mr. EMBRY. That does not mean anything.

Mr. GRIMES. I took that up. When we divided up they gave me this mortgage back.

Mr. EMBRY. How much did you get on that mortgage to Enos Nichols?

Mr. GRIMES. Two thousand two hundred and fifty dollars.

Mr. EMBRY. That mortgage included another tract, the tract in addition to the Puck-e-shinno tract—this mortgage to Nichols, I mean?

Mr. GRIMES. Not that I know of.

Mr. EMBRY. What was that other tract?

Mr. GRIMES. I told you I did not know.

Mr. EMBRY. Have you a farm over there that you owned before you went to buying these lands?



Mr. GRIMES. Yes, sir; I have four 80's I believe that I bought through the Government.

Mr. EMBRY. You mortgaged one of those, together with the Ah-ten-y-tuck tract, at the time you got this loan from Nichols, did you not?

Mr. GRIMES. If I did, I do not know it.

Mr. EMBRY. This land is located in Oklahoma County, is it not?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Have you other land in Oklahoma County than the Indian land you purchased in Mexico?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Where does this man Enos Nichols live?

Mr. GRIMES. In Shawnee, I think. I do not think I ever saw him; I dealt through his agents.

Mr. EMBRY. Do you know whether you included another Indian tract with this Ah-ten-y-tuck tract or not?

Mr. GRIMES. No, sir; I do not.

Mr. EMBRY. The statement here shows a mortgage to Nichols on this Ah-ten-y-tuck tract, together with another tract, not describing the other tract.

Mr. GRIMES. That was in conference. I do not know about the lots. It might have reference to that. I did not think they would mislead me in that way. I dealt with them a good deal.

Mr. EMBRY. There appears to be another deed from Ah-ten-y-tuck and wife to Willard Johnston, which was deeded to you by them, covered by mortgage of \$2,250 to Enos Nichols. That is the same mortgage mentioned in the first deed?

Mr. GRIMES. That is the same thing, if I understand it right.

Mr. EMBRY. Then you mortgaged on August 21 this tract to Willard Johnston and C. M. Cade, did you, for \$2,000?

Mr. GRIMES. The mortgage to Enos Nichols was made on August 20. They held the second mortgage for the balance until we settled up.

Mr. EMBRY. Cade and Johnston held a second mortgage.

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Then this \$2,000 mortgage given after the Nichols mortgage was a second mortgage that had been cleaned up?

Mr. GRIMES. Yes, sir; that has been cleaned up and paid off.

Mr. EMBRY. It seems that you deeded this second tract to M. A. Grimes, your wife?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Did she pay you anything for this tract of land?

Mr. GRIMES. Which tract is that?

Mr. EMBRY. NW.  $\frac{1}{4}$  of the SW.  $\frac{1}{4}$  of sec. 24, T. 12, R. 1?

Mr. GRIMES. No, sir.

Mr. EMBRY. That was a gift from you to her, was it?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. She simply assumed the mortgage on it?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Now, this first deed from Ah-ten-y-tuck, being lots 4 and 5, sec. 23, T. 12, R. 1, what is the value of that land?

Mr. GRIMES. I suppose it is worth about \$3,000 or \$3,500.

Mr. EMBRY. How much did you pay for it?

Mr. GRIMES. I paid \$1,925. It was not worth that much money at that time.

Mr. EMBRY. Is it not a fact that you paid \$925 for it?

Mr. GRIMES. No, sir.

Mr. EMBRY. You say for lots 4 and 5 you paid \$1,900?

Mr. GRIMES. I took two deeds at two different times for this tract; one was on one side of the section line and the other on the other. I gave \$925 for one and \$1,000 for the other forty.

Mr. EMBRY. Then the \$1,925 was the consideration for both tracts mentioned?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. And you say those two tracts combined are worth how much?

Mr. GRIMES. Three thousand dollars or \$3,500. I have about 20 acres of alfalfa on it.

Mr. EMBRY. That is a profit of about \$2,000, is it?

Mr. GRIMES. No, sir; about \$1,000; something like that.

Mr. EMBRY. Here is a deed from Ke-to-quah to Chapman, which appears to have been conveyed by Chapman to others and finally to W. C. and M. A. Grimes. What do you know about that tract of land? Who owns that tract of land, or claims it?

Mr. GRIMES. W. C. Grimes.

Mr. EMBRY. Is that Tack Grimes?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. He was with you in Mexico at the time those lands were purchased, was he not?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. What length of time was W. C. Grimes with you in Mexico?

Mr. GRIMES. I do not know; I guess something close to three months or two and one half.

Mr. EMBRY. Was he with you at the time you bought this Ket-to-quah tract?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. This tract of land was bought by the persons who were jointly acting together, consisting of yourself, Benson, Chapman, and Brown, was it not?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. You were acting together at that time?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. What has W. C. Grimes paid for this land, if anything?

Mr. GRIMES. I do not think he has paid anything for it yet. He is to pay \$1,500; that is my understanding.

Mr. EMBRY. But he has not paid anything yet?

Mr. GRIMES. He gave a mortgage on the land and some property that he has in Oklahoma City.

Mr. EMBRY. Who is that mortgage to?

Mr. GRIMES. Mr. Benson, I think.

Mr. EMBRY. And you understand Mr. Benson holds that mortgage?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. And that W. C. Grimes has paid him nothing on that?

Mr. GRIMES. I do not think it is due yet.

Mr. EMBRY. What is that tract of land worth?

Mr. GRIMES. I could hardly say.

Mr. EMBRY. It is worth \$3,500 or \$3,600, is it not?

Mr. GRIMES. I could hardly say what land sold at around there. Land out on the front section, way up in front, sold for \$2,400.

Mr. EMBRY. What character of land is this tract of land?

Mr. GRIMES. Some of it is upland; I mean first or second bottom they call it.

Mr. EMBRY. It is in this Canadian Valley, is it?

Mr. GRIMES. Yes, sir. Some of it is lake.

Mr. EMBRY. How much is lake?

Mr. GRIMES. Ten acres, something like that. Do you mean both 80's?

Mr. EMBRY. No; I am talking about this Ket-to-quah 80.

Mr. GRIMES. Her's is nearly all lake and sand bed. I bought two 80's from Benson and gave him \$1,500 for the two.

Mr. EMBRY. Is this one of them?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. What Indian owns the others?

Mr. GRIMES. She owned it by inheritance.

Mr. EMBRY. The other is the E.  $\frac{1}{2}$  of the S.  $\frac{1}{2}$  of lot 4, sec. 14, T. 12, R. 1?

Mr. GRIMES. The other is the W.  $\frac{1}{2}$  of the NE.  $\frac{1}{4}$  and the E.  $\frac{1}{2}$  of the SW.  $\frac{1}{4}$ .

Mr. EMBRY. The two tracts purchased by W. C. Grimes are the E.  $\frac{1}{2}$  of the SE.  $\frac{1}{4}$  and the E.  $\frac{1}{2}$  of the SW.  $\frac{1}{4}$  of sec. 14, T. 12, R. 1?

Mr. GRIMES. All I know is what I have been told. I do not know anything about it personally.

Mr. EMBRY. For that he gave a mortgage of \$1,500, as you understand it?

Mr. GRIMES. That is what I understand.

Mr. EMBRY. On that mortgage he has paid nothing?

Mr. GRIMES. I do not understand that he has, but I do not know.

Mr. EMBRY. And Mr. Benson is the present holder and owner of the mortgage?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. What land did Benson, Chapman, Brown, and yourself allow Tack for his services?

Mr. GRIMES. He was not working for them.

Mr. EMBRY. Who was he working for?

Mr. GRIMES. Himself.

Mr. EMBRY. Did he buy any land on his own account?

Mr. GRIMES. No, sir.

Mr. EMBRY. You say he was down there how many months?

Mr. GRIMES. About three.

Mr. EMBRY. Did he make any purchase of his own?

Mr. GRIMES. No, sir.

Mr. EMBRY. Why did he not make purchases for himself if he was working there three months?

Mr. GRIMES. Well, I do not know.

Mr. EMBRY. You were not unfavorable to his success in that undertaking, were you?

Mr. GRIMES. No, sir.

Mr. EMBRY. You would not hinder him in making purchases for himself, would you?

Mr. GRIMES. No, sir.

Mr. EMBRY. You would aid him, would you not?

Mr. GRIMES. I would aid him for his right in the company.

Mr. EMBRY. How was he able to work down there for three months with your friendship and be unable to get any of this land?

Mr. GRIMES. He was to have a piece of land through Johnston and Cade. They were to furnish him money to buy a piece.

Mr. EMBRY. Did he receive any of those three in that way?

Mr. GRIMES. No, sir.

Mr. EMBRY. Were Benson and yourself and Chapman and Brown to pay W. C. Grimes nothing—were you to pay Tack nothing?

Mr. GRIMES. No, sir.

Mr. EMBRY. Have you paid him anything?

Mr. GRIMES. No, sir; I have not. If they have I do not know it.

Mr. EMBRY. Here is a deed from Maw-ke-puck-e-the, Mack Johnson, to L. C. Grimes. What did you pay for that?

Mr. GRIMES. Two thousand dollars.

Mr. EMBRY. How did you pay it?

Mr. GRIMES. I paid it in money and what he owed me. He owed me some.

Mr. EMBRY. How much did he owe you?

Mr. GRIMES. I do not remember; I think something like \$500.

Mr. EMBRY. And the \$1,500 you paid him in money?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Where did you pay him?

Mr. GRIMES. I paid him in Eagle Pass and in Mexico.

Mr. EMBRY. Is not all the payment you made to him in Eagle Pass and Mexico for services as interpreter and labor in purchasing this land?

Mr. GRIMES. No, sir.

Mr. EMBRY. Have you an account showing what you paid Mack Johnson?

Mr. GRIMES. I think I have.

Mr. EMBRY. Can you have that here to-morrow?

Mr. GRIMES. I think so.

Mr. EMBRY. I want the statement showing what you paid him.

Mr. GRIMES. Yes, sir.

Senator CURTIS. We want your accounts of the transactions down there—all the accounts you have with any of those Indians; we do not care who they are, and with your partners—your expense account.

Mr. GRIMES. I never kept any expense account. They simply turned me over the money and I spent it.

Senator CURTIS. Did you ever keep an expense account?

Mr. GRIMES. They kept it.

Senator CURTIS. They kept the account of the money they turned over to you?

Mr. GRIMES. Yes, sir.

Senator CURTIS. And they did not make you account for what you did with it?

Mr. GRIMES. No, sir.

Senator CURTIS. Do you mean to say that bankers would turn \$500 over to you and not make you account for it?

Mr. GRIMES. They were partners there with me and did the work. Senator CURTIS. Is it not a fact that you were expending that money for things that you were afraid to keep an account of?

Mr. GRIMES. No, sir.

Mr. EMBRY. The last matter inquired of was the tract known as the W.  $\frac{1}{2}$  SW.  $\frac{1}{4}$  sec. 18, T. 12, R. 2. Here is another from Maw-ke-puck-e-the and wife to Martha A. Grimes for the W.  $\frac{1}{2}$  NE.  $\frac{1}{4}$  sec. 23, T. 12, R. 1.

Mr. GRIMES. That was Mack Johnson's wife, was it not?

Mr. EMBRY. Iniskin; is that not Mack's wife's name?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Did you not take a deed from her for her land?

Mr. GRIMES. No, sir.

Mr. EMBRY. Did you not take a deed to your wife for the W.  $\frac{1}{2}$  NE.  $\frac{1}{4}$  sec. 23, T. 12, R. 1?

Mr. GRIMES. That is that Mack Johnson land that we have just been talking about.

Mr. EMBRY. Did you not take a deed for the W.  $\frac{1}{2}$  SE.  $\frac{1}{4}$  sec. 18, T. 12, R. 2? Did Mack Johnson own both of those allotments?

Mr. GRIMES. He owned an interest in that land—sec. 18, T. 12, R. 2.

Mr. EMBRY. Is that the land which is now occupied by Manuel Mills?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. And for which the Government has brought action to cancel his patent?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. How much did you pay Mack Johnson for that land?

Mr. GRIMES. I have not paid him anything yet. I agreed to pay him, and it was fought out in the courts.

Mr. EMBRY. Was that agreement in writing?

Mr. GRIMES. No, sir.

Senator CURTIS. It was just a verbal agreement, was it?

Mr. GRIMES. Yes, sir; before witnesses.

Mr. EMBRY. You have not paid him anything for that?

Mr. GRIMES. I have overpaid him; he owes me \$70.70.

Mr. EMBRY. This W.  $\frac{1}{2}$  NE.  $\frac{1}{4}$  sec. 23, T. 12, R. 1, was Mack's allotment, was it not?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. How much did you pay him for that?

Mr. GRIMES. Two thousand dollars.

Mr. EMBRY. Well, what is that land worth?

Mr. GRIMES. That is about what it is worth.

Mr. EMBRY. Did you mortgage that land?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. To whom?

Mr. GRIMES. I think to Nichols.

Mr. EMBRY. That is a tract that is included in the former mortgages which you mentioned as having given Nichols, is it?

Mr. GRIMES. No, sir.

Mr. EMBRY. How many mortgages have you given this man Nichols?

Mr. GRIMES. I do not know; I have been buying land over at the agency and borrowed money to pay for it.

Mr. EMBRY. From whom?

Mr. GRIMES. From this man Nichols?

Mr. EMBRY. How long has he been loaning you money to buy Indian land?

Mr. GRIMES. I could not say; I think it has been something like four or five years.

Mr. EMBRY. Before you went to Mexico did you talk with him about loaning you further money to purchase this land with?

Mr. GRIMES. No, sir.

Mr. EMBRY. You had no understanding with him to furnish the money when you went to Mexico?

Mr. GRIMES. No, sir; I never talked to him in my life. I never saw him that I know of.

Mr. EMBRY. From whom did you secure this loan?

Mr. GRIMES. I think from his nephews, or from some of his relations, anyhow.

Mr. EMBRY. Where did they live?

Mr. GRIMES. Here in Shawnee.

Mr. EMBRY. Is it an agent here that you secured the money from?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. What is his name?

Mr. GRIMES. Fisher; and one of them is Nichols.

Mr. EMBRY. Where does Enos Nichols live, if you know?

Mr. GRIMES. I think here in town.

Mr. EMBRY. You have never met him?

Mr. GRIMES. No, sir.

Mr. EMBRY. You have had no conversation with him?

Mr. GRIMES. No, sir.

Mr. EMBRY. Can you give me the name of the agent through whom you secured this loan—I mean his full name?

Mr. GRIMES. I could not give you Fisher's full name or Nichols's. They run the foundry here in town. He can be found if you want him.

Mr. EMBRY. Do you know how many mortgages you gave them on this land that you have?

Mr. GRIMES. There are three 80's that I mortgaged together to them for \$2,500; that was the purchase price and the expenses. That was land I bought in through the agency.

Mr. EMBRY. The three 80's you mortgaged to them was land you bought in through the agency?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Are those the three 80's that are covered by the \$2,500 mortgage?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Being the same that we talked of a while ago?

Mr. GRIMES. No, sir; this was \$2,250 we were talking about a while ago. That \$2,250 transaction was also through them. Then this Mack Johnson land and another piece of land that I bought from Doctor Conine are mortgaged for \$2,000 to them, making about \$6,750.

Mr. EMBRY. That is, \$6,750 which Nichols loaned you on this land?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Has he any other security than this Indian land?

Mr. GRIMES. No, sir.

Mr. EMBRY. Only three tracts of this is land that you bought through the agency, about which the title was certain—only three tracts of this security is land to which the title is certain?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. The other is the Kickapoo title secured in Mexico?

Mr. GRIMES. No, sir; none of mine was secured in Mexico.

Mr. EMBRY. Well, secured during this enterprise of purchasing land in Eagle Pass and Muzquiz?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. And Mr. Nichols has never expressed any doubt as to those titles?

Mr. GRIMES. He has never said anything to me.

Mr. EMBRY. Or as to the sufficiency of the security?

Mr. GRIMES. He has not, nor has his agent, ever said a word to me about it.

Mr. EMBRY. Are those mortgages equivalent to the consideration that you were to give for this land?

Mr. GRIMES. How is that?

Mr. EMBRY. Let us take this Mack Johnson piece. The deed recites that you were to give \$2,000.

Mr. GRIMES. Yes, sir.

Mr. EMBRY. And this statement says that it is mortgaged for \$2,000.

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Now, you mortgaged that to Mr. Nichols for the amount which you were to pay for it, did you?

Mr. GRIMES. No, sir; I mortgaged that when I bought the Doctor Conine land to pay him for that.

Mr. EMBRY. You did not include in this mortgage any other tract than the Mack Johnson allotment, did you—this \$2,000 mortgage?

Mr. GRIMES. Yes, sir; two pieces.

Mr. EMBRY. What other piece?

Mr. GRIMES. The other piece is the E.  $\frac{1}{2}$  NW.  $\frac{1}{4}$ , sec. 23. It was Mack Johnson's mother's land. There are 160 acres in that mortgage—Mack Johnson's land and his mother's land—two 80's.

Mr. EMBRY. They are both in Lincoln County, are they?

Mr. GRIMES. They are in Oklahoma County.

Mr. EMBRY. I see a piece here from Peck-ke-ah-peah to R. C. Conine, the E.  $\frac{1}{2}$  NW.  $\frac{1}{4}$ , sec. 23, T. 12, R. 1.

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Deeded by Conine and wife to Martha A. Grimes?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. That is Mack Johnson's mother's land, is it?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. And then that quarter which is covered by the \$2,000 mortgage to Nichols?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. How much did you pay Conine for that tract of land?

Mr. GRIMES. I do not remember; it was a thousand dollars, I think.

Mr. EMBRY. You did not pay him any money at all, did you?

Mr. GRIMES. Yes, sir; I paid him all money.

Mr. EMBRY. Did not you and Conine, Garrett, and Jacobs have a joint undertaking down there for the purchasing of lands?

Mr. GRIMES. Not as to that. When the first deeds were taken Mr. Benson and all of them came back; Conine was down there the last one, and an Indian came over there—this woman—and wanted to sell her land. I did not have any money, and Benson did not have any that he could get at, and Conine bought it himself.

Senator CURTIS. You could use the wire, could you not? You had been using the wire before, had you not?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Why did you not use the wire that time?

Mr. GRIMES. We did use the wire, but did not get it back in time. The Indian wanted to go back home, and Conine just went and bought it.

Mr. EMBRY. To what place did this Indian want to return?

Mr. GRIMES. Back to Mexico; she had been there three days then waiting.

Mr. EMBRY. Where is this Indian now?

Mr. GRIMES. She is in Oklahoma.

Mr. EMBRY. She is up on her allotment, is she not?

Mr. GRIMES. No, sir.

Mr. EMBRY. How long has she been back?

Mr. GRIMES. I think she has been back about three or four weeks.

Mr. EMBRY. Who has possession of this land now?

Mr. GRIMES. I have.

Mr. EMBRY. Are you collecting rents from it?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. How did you get possession of it?

Mr. GRIMES. I have had possession of it for several years. I have it in cultivation.

Mr. EMBRY. Were you holding this land under lease?

Mr. GRIMES. I was not at the time; the lease was out the year before and Mack Johnson was working it himself.

Mr. EMBRY. And in that way you got in possession of it?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Who was doing the plowing, if you know?

Mr. GRIMES. He did it himself.

Senator CURTIS. While he was in Mexico?

Mr. GRIMES. No, sir; in the spring before he went.

Senator CURTIS. Who attended to it before he left?

Mr. GRIMES. They turned it over to a man named Allen.

Senator CURTIS. Is he connected with you in any way?

Mr. GRIMES. He was renting some land from me.

Senator CURTIS. He was one of your renters, was he?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Then, as a matter of fact, you were virtually in possession of it through your tenant?

Mr. GRIMES. You might say so.

Senator CURTIS. Then you had possession of it virtually under a lease at the time you got this deed?

Mr. GRIMES. No, sir; I did not have any lease.

Senator CURTIS. But you were in possession of it. Did you get a part of the crop?



Mr. GRIMES. Yes, sir; my team helped to attend to it.

Senator CURTIS. How much of a crop did you get?

Mr. GRIMES. I do not know just how much.

Senator CURTIS. Your teams were used to work that land, and while your teams were working the land, on which you got part of the crop, you took a deed at the same time; is that right?

Mr. GRIMES. My team worked on it some in the spring, and Mr. Thackery came up there, or the farmer, and stopped us from it, and my team went out there and let this man Allen go on and attend the land and he paid me for part of the crop—for what my team did.

Senator CURTIS. You were interested in the crop in which your team assisted and got part of the crop?

Mr. GRIMES. But my teams were cut out from working and I did not have anything more to do with it. Mr. Allen had it in charge.

Mr. EMBRY. What did Thackery stop you for?

Mr. GRIMES. I did not have any lease on it.

Mr. EMBRY. Did I understand you to say that Mack Johnson was working there on his mother's place?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. He was working there during the spring of 1906?

Mr. GRIMES. He lived on his own place. I had a Government lease on it.

Mr. EMBRY. In the spring of 1906?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Up to what time did he work on his mother's place during the year of 1906?

Mr. GRIMES. He worked up to about the time we left—maybe a few days before.

Mr. EMBRY. Mack Johnson lived in this country and was farming here up to the time he started with you to Mexico?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. And he has not been in Mexico except when he was down there with parties acting as interpreter in securing these Kickapoo lands?

Mr. GRIMES. Afterwards he moved away and went down there.

Mr. EMBRY. And you paid his expenses when he went down with you in the spring of 1906?

Mr. GRIMES. The company did.

Mr. EMBRY. The company did for whom he went to work?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. So he was simply a hired man going down there to do some work, and at no time established any residence in Mexico?

Mr. GRIMES. Not at that time. He came back, and his wife came back after we quit work, and then he went back himself and moved down there.

Mr. EMBRY. He and his wife returned after he quit working how long?

Mr. GRIMES. I can not tell you.

Mr. EMBRY. Did not his wife come back here before he quit working for you as interpreter?

Mr. GRIMES. No, sir; he quit working for us, and then of course we were down there and we used him; sometimes we would use him when he was there—sometimes one and then another—George Kishketon and Willie Murdock.

Mr. EMBRY. Is it not a fact that since they have stopped using Mack Johnson as interpreter in Mexico in the purchase of these lands he returned to Oklahoma and has been here ever since?

Mr. GRIMES. No, sir; he was there a long time afterwards.

Mr. EMBRY. Has his wife not been here all the time except when she was there on a visit?

Mr. GRIMES. No, sir; she was there, and he attended the crop and worked there in Mexico.

Mr. EMBRY. When?

Mr. GRIMES. Last year.

Mr. EMBRY. 1906?

Mr. GRIMES. This year—1907.

Mr. EMBRY. That was long after you got your deed from him that he attended the crop?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. He did not make any pretense of living in Mexico until long after you got your deed from him, did he?

Mr. GRIMES. Yes, sir; he had been there a good bit.

Mr. EMBRY. When was it you got Mack Johnson's deed?

Mr. GRIMES. You will have to turn to the deed; I can not tell you. When he was first down there and we were using him as interpreter he tried in every way to get us to buy his land, and we would not do it.

Mr. EMBRY. I notice that you got Mack Johnson's deeds in January, 1907.

Mr. GRIMES. Yes, sir.

Mr. EMBRY. As a matter of fact, Mack Johnson was up here in December, 1906, was he not?

Mr. GRIMES. I do not recollect the time he was here.

Senator CURTIS. Did you pay his way back the last time he went? I mean your people, when he went back to Mexico. The first time he went down he got the round-trip ticket, and the next time he went down one of you people paid his way, did you not?

Mr. GRIMES. I do not recollect.

Mr. EMBRY. Did this old woman—Mack's mother—ever live in Mexico?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. How long has she lived there?

Mr. GRIMES. I think she was there three or four years.

Mr. EMBRY. How much did you pay her?

Mr. GRIMES. I never paid her anything.

Mr. EMBRY. And you do not know whether anyone has paid her anything?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Do you know whether Conine has paid her anything?

Mr. GRIMES. He paid her, I think, \$650.

Mr. EMBRY. What is that tract of land worth?

Mr. GRIMES. It is low, sandy land and lake land. I gave a thousand dollars for it just because it joined my land.

Mr. EMBRY. You gave \$1,500 for it, did you not?

Mr. GRIMES. No, sir.

Mr. EMBRY. \$1,500 is given in this statement as the consideration.

Mr. GRIMES. Well, I did not pay it.

Mr. EMBRY. You or your people did?

Mr. GRIMES. I gave him a thousand dollars. I bought his property in Harrah and gave him \$1,350.

Mr. EMBRY. Why was that given as the consideration?

Mr. GRIMES. It was put in as the consideration only to show up if I wanted to sell the land.

Mr. EMBRY. What property did you buy from him in Harrah? I notice the Py-o-kah deed, dated March 27, 1907, conveying the N.  $\frac{1}{4}$  SE.  $\frac{1}{4}$  sec. 3, T. 10, R. 3, to M. A. Grimes. There was no money paid on that, was there?

Mr. GRIMES. I think there was about \$100.

Mr. EMBRY. Who paid the \$100?

Mr. GRIMES. I did.

Mr. EMBRY. Where did you pay it?

Mr. GRIMES. I paid some at Harrah, and gave her money at different times.

Mr. EMBRY. Here in Oklahoma?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Where did you take the deed?

Mr. GRIMES. In Harrah.

Mr. EMBRY. It was acknowledged over in Pottawatomie County, was it not?

Mr. GRIMES. No, sir; in Oklahoma County, at Harrah.

Mr. EMBRY. This girl has never been out of the Territory, has she?

Mr. GRIMES. Yes, sir; she lived down there before.

Mr. EMBRY. When did she live in Mexico?

Mr. GRIMES. Before she went off to school she was living down there.

Mr. EMBRY. When was that?

Mr. GRIMES. I do not know; it will show in the deed. Her affidavit is there.

Mr. EMBRY. How long had she been in school?

Mr. GRIMES. A year or two; I do not know exactly.

Mr. EMBRY. And from school she returned to Oklahoma?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. How long had she been in Oklahoma?

Mr. GRIMES. I think a long time; Mr. Thackery can tell you.

Mr. EMBRY. Her allotment was over in this county, was it not?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Who was she living with in this county?

Mr. GRIMES. I could not tell you.

Mr. EMBRY. You do not know what Indian she was living with?

Mr. GRIMES. No, sir.

Mr. EMBRY. Do you know where her people live?

Mr. GRIMES. They live up close to that land.

Mr. EMBRY. Her parents live in this county, do they not?

Mr. GRIMES. I do not know about her parents.

Senator CURTIS. You bought her a round-trip ticket which she never used?

Mr. GRIMES. No, sir.

Senator CURTIS. You bought her a ticket, did you not?

Mr. GRIMES. I bought her a straight ticket.

Senator CURTIS. Which she never used?

Mr. GRIMES. No, sir.

Senator CURTIS. What did you do with that ticket?

Mr. GRIMES. I cashed it and got my money back. I never even gave it to her, so far as that is concerned.

Mr. EMBRY. Was she not in Mexico from the time she was sent off to school to the time you took her land?

Mr. GRIMES. No, sir.

Mr. EMBRY. And she has not been there since?

Mr. GRIMES. I think not.

Mr. EMBRY. You know, as a matter of fact, that that deed is absolutely void, do you not?

Mr. GRIMES. I do not know; I have been told that it was all right.

Mr. EMBRY. And on that you paid only \$100?

Mr. GRIMES. I think \$100, or maybe a little bit more.

Senator CURTIS. Who told you that that was all right, what lawyer? We want to get his name in the record.

Mr. GRIMES. I do not remember.

Senator CURTIS. You know who you consulted. What lawyer told you that a deed from that girl who had never been in Mexico, and did not live in Mexico, was valid under that law?

Mr. GRIMES. I have heard it generally talked about; the general talk was that they thought it was good.

Senator CURTIS. Who thought it was good?

Mr. GRIMES. I thought so myself.

Senator CURTIS. Who told you so?

Mr. GRIMES. I told myself.

Senator CURTIS. You said a little while ago that you had been apprised that it was good.

Mr. GRIMES. I have been.

Senator CURTIS. Now, who advised you—what lawyer?

Mr. GRIMES. I do not recall that it was any lawyer that advised me.

Senator CURTIS. Well, what man or woman advised you?

Mr. GRIMES. We all talked over it; Garrett and all of us talked it over and thought the deed was all right—that she had lived down there.

Senator CURTIS. What lawyer did you talk to?

Mr. GRIMES. I do not recollect that we talked with any lawyer about it.

Mr. EMBRY. Did you give her a check in addition to that payment?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. What did she do with it?

Mr. GRIMES. She deposited it in the Harrah State Bank.

Mr. EMBRY. Who are the officers of that bank?

Mr. GRIMES. Mr. Hollis is one of them.

Mr. EMBRY. Where is the check now?

Mr. GRIMES. It is there.

Mr. EMBRY. It has never been cashed, has it?

Mr. GRIMES. No, sir.

Mr. EMBRY. Was the understanding that it was not to be cashed?

Mr. GRIMES. No, sir; it was a note, not a check.

Mr. EMBRY. When is the note due?

Mr. GRIMES. When this is decided.

Senator CURTIS. Is there an agreement written in the note?

Mr. GRIMES. Yes, sir.

Senator CURTIS. That when this is decided, then the trade is to be concluded?

Mr. GRIMES. Yes, sir.

Senator CURTIS. And if not, it is not a trade; is that right?

Mr. GRIMES. Yes, sir.

The CHAIRMAN. Are you in possession of it?

Mr. GRIMES. No, sir.

The CHAIRMAN. Who is in possession of it?

Mr. GRIMES. I can not tell you.

Senator CURTIS. Was that agreement put in those notes after you had consulted an attorney about the advisability of doing it?

Mr. GRIMES. I never consulted an attorney.

Senator CURTIS. You have consulted with somebody about how to fix them up, have you?

Mr. GRIMES. I just took it on my own hook.

Senator CURTIS. But on other matters you were very free to consult officers about marrying those people.

Mr. GRIMES. It seems to me that a lawyer would not know about this.

Senator CURTIS. Did not a lawyer wire you from here what to do? Did he not send you a dispatch? Did I not read you a dispatch?

Mr. GRIMES. I say they did not seem to know whether this would be legal or not.

Senator CURTIS. What lawyers do you mean?

Mr. GRIMES. Any of them.

Senator CURTIS. What lawyers did you talk with?

Mr. GRIMES. I talked to Adams and Hood and plenty of others.

Senator CURTIS. The lawyers did not know, but you took a chance on it?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. I find here a statement of a deed from We-hah-ni-hah to I. C. Grimes of July 2, 1906, conveying lot 1 of NW.  $\frac{1}{4}$  of SW.  $\frac{1}{4}$  of sec. 33, T. 12, R. 2. It appears that the consideration is \$200.

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Where is that land located?

Mr. GRIMES. It is up between Harrah and McLeod. It is nearly all sand.

Mr. EMBRY. What is that land worth?

Mr. GRIMES. I guess it would sell for about \$500 or \$600.

Mr. EMBRY. Who is this Indian woman We-ha-ni-hah?

Mr. GRIMES. That is a very old woman. It appears here that her deed was acknowledged before Mr. Ben. B. King, and that Willie Murdock was interpreter.

Mr. EMBRY. Were you down there when that deed was taken?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Where was the deed acknowledged.

Mr. GRIMES. Some were acknowledged at his office and some at the hotel.

Mr. EMBRY. At Eagle Pass?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Was this old woman there?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Is she blind?

Mr. GRIMES. I do not remember whether she is or not.

Mr. EMBRY. How did she manage to make her mark, do you know?

Mr. GRIMES. No, sir.

Mr. EMBRY. You saw her execute the deed, didn't you?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. You held her, didn't you?

Mr. GRIMES. No, sir; I did not.

Mr. EMBRY. Didn't some one take her by the hand and make her make her mark on the deed.

Mr. GRIMES. I do not remember about that.

Mr. EMBRY. How much did you offer her for the land?

Mr. GRIMES. I told her I would give her \$200 for the land. She said she was sick and wanted to sell her land; she said she wanted the money to live on. Chapman did not want to buy it, and I said buy it and put it in my name; I will raise the money and try to take it. That was how the deed was taken in my name.

Mr. EMBRY. You say she was there two or three days; where did you keep her?

Mr. GRIMES. She was up at the wagon yard.

Mr. EMBRY. Did you not refuse to let her son in there to see her?

Mr. GRIMES. Her son was right in there with her all the time.

Mr. EMBRY. In the wagon yard?

Mr. GRIMES. Yes, sir—Oh, I am thinking about——

Mr. EMBRY. Another case?

Mr. GRIMES. No, sir; we never refused to let anybody go in there.

Mr. EMBRY. You did not refuse anybody?

Mr. GRIMES. No, sir; Noten would always come about us whenever he wanted to and was our friend, as far as that is concerned.

Mr. EMBRY. State to this committee in case you gentlemen had perfect titles—I mean the three partnerships in which you were interested—how much would have been your net profit from the lands, or from your part of the lands received from the Indians, in your judgment; say your titles were perfect, and you could sell the land and dispose of it at a fair market value, what would have been your net profit?

Mr. GRIMES. I never figured on it.

Mr. EMBRY. You were in all the transactions?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. You know the value of Indian lands?

Mr. GRIMES. I know how they have been selling.

Mr. EMBRY. You gentlemen claim to have paid out about \$80,000, all of you, the three companies in which you were interested?

Mr. GRIMES. I never figured that.

Mr. EMBRY. Well, the amount of the Indian land purchased, according to the considerations mentioned in the deeds, was about \$80,000 or \$82,000?

Mr. GRIMES. Probably that is right.

Mr. EMBRY. Now, as a matter of fact, is not all that land to-day worth \$300,000?

Mr. GRIMES. No, sir.

Mr. EMBRY. How much is it worth?

Mr. GRIMES. I do not know.

Mr. EMBRY. Do you not know that it has been appraised by disinterested appraisers at in the neighborhood of \$300,000?

Mr. GRIMES. No, sir; I do not know what it has been appraised at.

Mr. EMBRY. What would you say it was worth at the lowest figure?

Mr. GRIMES. I could not tell you.

Mr. EMBRY. It would be worth \$250,000 if you had a perfect title, would it not?

Mr. GRIMES. The whole thing?

Mr. EMBRY. Yes.

Mr. GRIMES. No, sir; I do not think so.

Mr. EMBRY. Well, how much is it worth? Just give us your best judgment.

Mr. GRIMES. I do not know; I would have to sit down and itemize the land and put the numbers on it.

Mr. EMBRY. There is not a foot of that land that was taken by either of your companies but what you know the value of, and you were taken down there because of your knowledge of it?

Mr. GRIMES. Yes, sir; I would know pretty nearly the value if I would figure on it.

Mr. EMBRY. And because of your knowledge of the value of the land you were taken down there?

The CHAIRMAN. And because you knew the Indians?

Mr. GRIMES. Yes, sir. But Mr. Bentley has not paid one-tenth of what we did.

Without concluding the examination of the witness a recess was taken until 1.30 o'clock p. m.

#### AFTER RECESS.

L. C. GRIMES—Recalled.

Mr. EMBRY. You say you did not aid in putting Rachel Kirk in the buggy that morning?

Mr. GRIMES. No, sir.

Mr. EMBRY. She was drunk, was she not?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. On what occasion was it that she was drunk and those other parties had to put her in the buggy?

Mr. GRIMES. She was just there drinking.

Mr. EMBRY. At what place was it—Muzquiz?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. What was she doing there?

Mr. GRIMES. She just came in there.

Mr. EMBRY. What time of the morning was it?

Mr. GRIMES. I do not recollect whether it was in the forenoon or afternoon.

Mr. EMBRY. What was the occasion for putting her in the buggy?

Mr. GRIMES. I suppose it was to keep her from being arrested; she was drunk.

Mr. EMBRY. Who was it that put her in the buggy?

Mr. GRIMES. I do not recollect.

Mr. EMBRY. Where did they take her when they put her in the buggy?

Mr. GRIMES. I think she went home to the camp.

Mr. EMBRY. Was that the time when you took her and got some deeds?

Mr. GRIMES. No, sir; we took her deeds a good while before that.

Mr. EMBRY. With regard to this hotel, did any of those Indians stop in the hotel and pay their lodging as travelers would?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. What Indians stopped in the hotel and stayed there as guests of the hotel?

Mr. GRIMES. I couldn't tell you; I do not think they stayed in the hotel. They just ate there when they came to town.

Mr. EMBRY. Your room was on the second floor, was it?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. What was their object in going to your room?

Mr. GRIMES. We were dealing with the Indians. We had the back room there and they had to go in and out if they wanted to. There were lots of chairs in there.

Mr. EMBRY. What interpreter were you using at that time?

Mr. GRIMES. We were using different ones; William Murdock sometimes, and sometimes Mack Johnson.

Mr. EMBRY. Did you have whisky or mescal up in that room?

Mr. GRIMES. No, sir.

Mr. EMBRY. Did you send any whisky or mescal out to the camp?

Mr. GRIMES. No, sir.

Mr. EMBRY. They were drunk, were they not?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Where did those Indians get that whisky or mescal?

Mr. GRIMES. There were mescal joints all around the camp, people who made it—Mexicans who made it all around the camp. They would get it anywhere in the town at certain places.

Mr. EMBRY. Did Rachel Kirk have a room up there?

Mr. GRIMES. No, sir; not that I know of.

Mr. EMBRY. Did any other Indian woman have a room up there in that hotel that you know of?

Mr. GRIMES. Not that I know of; some of the men and their wives would come there and get a room once in a while; Mack Johnson and others would get rooms once in a while. I do not know of any women alone who got any.

Mr. EMBRY. Did you ever see any Indians in Outcalt's room?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Who were they?

Mr. GRIMES. I could not tell you; I have seen Wahtheckcona at one time when he was in there making an affidavit. He had sold his land to Bentley and wanted Outcalt to help him to get it back; and I have seen old Ah-kis-kuck when he was in there talking to him about getting his land back. There were a lot of them going in there making complaints to Outcalt, and some of them drawing their money.

Mr. EMBRY. Did you see Rachel Kirk and another Indian woman, or either of them, in a room there adjoining Outcalt's room?

Mr. GRIMES. No, sir.

Mr. EMBRY. Were you in that room one day when Rachel Kirk and this other woman were in a room adjoining or near by Outcalt's room?

Mr. GRIMES. No, sir; it was in our main room.

Mr. EMBRY. How far was your room from Outcalt's?

Mr. GRIMES. I think there were two rooms between them.



Mr. EMBRY. I am referring to the other room adjoining Outcelt's, between which and Outcelt's room there was a partition; did you see Rachel Kirk in that room?

Mr. GRIMES. No, sir.

Mr. EMBRY. Did you and Outcelt and Joe Clark go into that room when she was in there?

Mr. GRIMES. Not that I recollect.

Mr. EMBRY. Well, if you had, would you recollect it?

Mr. GRIMES. I might, but I do not recollect it. If there was anything like that that occurred I do not recollect it.

Mr. EMBRY. You do not know who it was who put Rachel Kirk in the buggy that morning, do you?

Mr. GRIMES. No, sir; I do not; there were some Indians. I think I heard some of them say that Cal Moore helped to put her in.

Mr. EMBRY. How was Cal Moore interested in her?

Mr. GRIMES. Well, I do not know just what his interest was any more than he put her in the buggy and started home.

Mr. EMBRY. Did you talk with Outcelt the day he left Muzquiz to come on home?

Mr. GRIMES. No, sir; I did not particularly talk to him. I saw him there. I heard him say that in a day or two, or that day, he was going home.

Mr. EMBRY. Did you counsel or consult with Outcelt about your projects down there with respect to buying land?

Mr. GRIMES. No, sir; no more than we said that we were there trying to buy land.

Mr. EMBRY. What did he say to you about it?

Mr. GRIMES. He said he had nothing to do with that at all.

Mr. EMBRY. Do you remember what that telegram "Everything in the air" meant? Do you remember the occasion of Al. Brown sending that telegram to Benson?

Mr. GRIMES. No, sir; I do not know what he meant by it.

Mr. EMBRY. Where were you on or about July 27, 1906?

Mr. GRIMES. I do not know that I could tell you by memory.

Mr. EMBRY. Did anything happen to you people down there that would put you to any disadvantage or your operations be made more difficult?

Mr. GRIMES. I do not know that they were, particularly.

Mr. EMBRY. Well, in what respect were they, though not particularly?

Mr. GRIMES. I do not know; they had taken a lot of deeds there and we were about through with what we were doing?

Mr. EMBRY. Now, those deeds that you had taken were taken on what dates?

Mr. GRIMES. I could not tell you that.

Mr. EMBRY. Did you see those deeds taken?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Where were they taken?

Mr. GRIMES. In Mexico, do you mean?

Mr. EMBRY. Yes.

Mr. GRIMES. They were taken at Guajardo's private office.

Mr. EMBRY. On how many days did you take those at Guajardo's office.

Mr. GRIMES. I think it was two days the first time, and then another day afterwards, some time, a month or two afterwards.

Mr. EMBRY. What Americans were there at the times those deeds were taken?

Mr. GRIMES. Myself, Chapman, W. C. Grimes, and I think Cal Moore, were there, and Mr. Douglas, Mr. Bentley's attorney, was there part of the time.

Mr. EMBRY. Do you know where Al. Brown or Outcalt were at the time you took the deeds at Outcalt's house, or Joe Clark?

Mr. GRIMES. No, sir; I do not know where they were.

Mr. EMBRY. Were they at Guajardo's house?

Mr. GRIMES. No, sir; not that I saw, unless they hid.

Mr. EMBRY. You were there when Mr. Chapman produced the checks, were you not?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Those deeds were taken in court, were they?

Mr. GRIMES. Yes, sir; what they call the open court there—what the judge called it.

Mr. EMBRY. It was the understanding there that the Indians should indorse those checks back to Conine, and that he should take them over and deposit them in the bank at Eagle Pass, was it?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Then those checks which were given to the Indians at Guajardo's house were merely for the purpose of indorsing them back to Conine to be deposited in the bank at Eagle Pass?

Mr. GRIMES. That is what they agreed to do; they wanted to deposit their money there to buy some land.

Mr. EMBRY. That was understood, and it was part of the agreement by which you got the deeds—that they should be indorsed and returned to Conine, and he should deposit them in the bank at Eagle Pass?

Mr. GRIMES. Yes, sir; they asked that that be done. The checks were made to the Indians; that was in the deal; it was when the deal was made.

Mr. EMBRY. The Indian did not have the check except for the purpose of indorsing it and delivering it back to Conine. You saw the whole transaction, did you?

Mr. GRIMES. Yes, sir; I saw about all of it. I was there around the house.

Mr. EMBRY. And Conine and Chapman returned those to Eagle Pass, did they not?

Mr. GRIMES. I guess they did in a few days.

Mr. EMBRY. Conine taking the checks and Chapman the deeds?

Mr. GRIMES. I think probably that was the way.

Mr. EMBRY. And then they were deposited in the bank?

Mr. GRIMES. I do not remember who did take the deeds.

Mr. EMBRY. You were down there when depositions were taken, were you not?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Who was your attorney—who represented you in taking those depositions?

Mr. GRIMES. Mr. Joe M. Adams.

Mr. EMBRY. Mr. Grimes, were you at the camp when whisky and beer and mescal were received by those Indians—when they had it there about the camp?

Mr. GRIMES. Well, there was very little beer that was ever in the camp.

Mr. EMBRY. Most of it was mescal, was it?

Mr. GRIMES. Yes, sir, I have seen a few Indians take out bottles; they would buy them and take them out to the camp with them, but they generally drank them up before they got there.

Mr. EMBRY. At the time you were at the camp did you see considerable mescal there and Indians drinking it?

Mr. GRIMES. Yes, sir; I saw them every night riding on their horses and carrying it in their hands, and hallooming and whooping nearly every night.

Mr. EMBRY. Is it not a fact that about the time this agitation was going on with regard to the sale of the land that there was considerable drunkenness among the Indians?

Mr. GRIMES. Yes, sir; there has always been right smart drunkenness.

Mr. EMBRY. And it is a fact that that prevailed during most of the time you were down there, or all of the time?

Mr. GRIMES. At any time I was there there was more or less drinking. You could hear them of nights hallooming and whooping.

Mr. EMBRY. Do you know who furnished them the money with which they got that stuff?

Mr. GRIMES. No, sir; they had been selling their land right along and they had plenty of money in the camp.

Mr. EMBRY. They had been selling their land to whom?

Mr. GRIMES. They had been selling their land to us people.

Mr. EMBRY. You referred in your testimony to a telegram to Mr. Thackery, along about July 31, 1906. What was that telegram; to what did it refer?

Mr. GRIMES. It referred to a deed that I and a man by the name of W. L. Bradley had bid on at the agency, and we had got it in the bidding.

Mr. EMBRY. It was an inherited piece of land?

Mr. GRIMES. Yes, sir; the name was Peshequa, the owner of it. She was dead and had a large number of heirs to sign this deed, and some of them were in Mexico. I telegraphed Mr. Thackery if he would send the deed down there, that I would see if I could get some of those heirs to sign it.

Mr. EMBRY. As I understand, this telegram referred to a tract of land, or made inquiries as to a deed where the land had been advertised at the agency and sold to the highest bidder?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. And you had become the purchaser?

Mr. GRIMES. Of one lot; Mr. Bradley had another lot.

Mr. EMBRY. That it was just necessary for you to have some of those heirs in Mexico to sign the deed?

Mr. GRIMES. It had to be if we got it. It is not signed yet. The money is up in the bank and still stands there.

Mr. EMBRY. You said something about Bentley fighting to keep Indians from taking their money?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. Was Outcalt at Sabinas the day Okemah and those Indians were turned back there or arrested?

Mr. GRIMES. No, sir.

Mr. EMBRY. Were you there?

Mr. GRIMES. I would say no, sir; I think I was in Muzquiz. I may not have been; I do not know whether I was in Muzquiz or not, but I know Outcalt was not there. It seems to me that I was in Muzquiz that day.

Mr. EMBRY. Is it not a fact that you and Al. Brown and Doctor Conine, and Cal Moore were on the train going to Eagle Pass that day?

Mr. GRIMES. No, sir; I was in Eagle Pass; that is right. I was in Eagle Pass when this happened and they were coming. That is right.

Mr. EMBRY. How long did you stay in Eagle Pass?

Mr. GRIMES. I do not know.

Mr. EMBRY. Did you return on the train that day?

Mr. GRIMES. I did not. I think I stayed there two or three days, probably.

Mr. EMBRY. What were you in Eagle Pass for at that time?

Mr. GRIMES. We were in Eagle Pass buying this Indian land and dealing with the Indians.

Mr. EMBRY. And they were bringing the Indians over to Eagle Pass, that is, Conine, Brown, and Moore?

Mr. GRIMES. Yes, sir; they brought some Indians.

Mr. EMBRY. Which of them, if either, came on through to Eagle Pass?

Mr. GRIMES. I could not tell you. You have me mixed up. I do not recollect which did come through.

Mr. EMBRY. Do you remember the occasion of Okemah's arrest?

Mr. GRIMES. I think they did come on through after that, that day, I believe, or the next day. What were you going to say about Okemah's arrest?

Mr. EMBRY. Do you remember the occasion when Okemah and some other Indians were arrested at Sabinas?

Mr. GRIMES. No, sir.

Mr. EMBRY. How did you find conditions when you first went to Mexico to buy land, and on what date did you first arrive at Eagle Pass?

Mr. GRIMES. I do not recollect what day it was. Do you mean the conditions at Muzquiz?

Mr. EMBRY. Yes.

Mr. GRIMES. When I first went there, there was nothing said or done. We went out to the camp and visited with them and came back to town and nothing was said until Mr. Bentley came.

Mr. EMBRY. At what time did you go to Mexico first?

Mr. GRIMES. I do not know; I guess about the 20th.

Mr. EMBRY. Of what month?

Mr. GRIMES. May, I guess; long about that time. We started about the 17th from here.

Mr. EMBRY. How long was it before Mr. Bentley came?

Mr. GRIMES. I think about two weeks.

Mr. EMBRY. What had you been doing in the meantime?

Mr. GRIMES. We had just been out there talking with the Indians, and told them we were trying to buy lands when this bill passed—looking for the bill to pass; we were there to buy their land and pay them the money.

Mr. EMBRY. When Bentley came——

Mr. GRIMES. If they did not want to swap that in Mexico we had the money to pay them.

Mr. EMBRY. When Bentley came, then what occurred?

Mr. GRIMES. We were thrown out of the camp.

Mr. EMBRY. What occurred next?

Mr. GRIMES. We were thrown out of the camp and right away the Indians told us that he was forcing them all to sign some papers out there. Mack Johnson came in and reported to the courts and to us that he had beat him over the head and made him sign a paper, and had come to him three times, and he would not do it, and he finally took two men and beat him up, and he showed us the scar; that he had knocked him down and he said his mother and all of them cried, and he said he then signed it.

Mr. EMBRY. Mack Johnson told you that, did he?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. To whom did he tell that?

Mr. GRIMES. All of us.

Mr. EMBRY. Do you know whether he had any conversation with Outcalt about it?

Mr. GRIMES. No, sir; I do not know whether he talked to Outcalt about it. I never heard him say.

Mr. EMBRY. When was it that Mack Johnson told you that?

Mr. GRIMES. It was along about the last of May, I guess; it may have been a little later—it may have been in June.

Mr. EMBRY. Please state what statements, if any, or consultations you had with Outcalt about anybody buying land down there, other than the matter he was sent to investigate?

Mr. GRIMES. I had no conversations with him at all in regard to land, only maybe he said—I have heard him say—he might have said “What are you boys doing down here?” or something like that. We told him we were there buying land; that we were there to buy land. We had no conversation with regard to the land that I recollect.

Mr. EMBRY. Did you consult with him or he with you about any arrests or complaints that were made down there, or any proceedings in court looking to the arrest of anybody or their detention?

Mr. GRIMES. No, sir.

Mr. EMBRY. Did you see Mr. Thackery there?

Mr. GRIMES. Yes, sir.

Mr. EMBRY. What conversation did you have with Mr. Thackery?

Mr. GRIMES. None that I know of particularly. I asked him what he was doing there, or something of that kind, and he did not give us any satisfaction about what he was there for.

Mr. EMBRY. Where did you get the Kickapoo roll that you have?

Mr. GRIMES. I got it from the land office about thirteen or fourteen years ago, at Oklahoma City. It was taken off the record there.

Senator CURTIS. You say that at Guajardo's house when the checks were indorsed there by the Indians, as you claimed, and turned over to Conine, the understanding was they wanted that money used to buy land in Mexico?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Was that the understanding at that time?

Mr. GRIMES. That is what they said they wanted to do with it.

Senator CURTIS. You heard that, did you?

Mr. GRIMES. Yes, sir.

Senator CURTIS. Do you not know that Mr. Chapman, your partner, has testified that the agreement was that that money was to be deposited in the bank at Eagle Pass until he found out the title, and then the money should be expressed back to them? Was that not the agreement?

Mr. GRIMES. I do not know about that.

Senator CURTIS. Did not you men hatch up this agreement to buy their land weeks afterwards?

Mr. GRIMES. No, sir; they said right there to take it, and had council there.

Senator CURTIS. You witnessed some of those checks, did you not?

Mr. GRIMES. No, sir; I think not.

Senator CURTIS. Your name appears to some of those checks that were forged, does it not?

Mr. GRIMES. No, sir.

Senator CURTIS. You fellows forged checks, did you not?

Mr. GRIMES. No, sir.

Senator CURTIS. You forged these, did you not?

Mr. GRIMES. We did not.

Senator CURTIS. You were in a wholesale robbery business down there, were you not?

Mr. GRIMES. Not any more than you are.

Senator CURTIS. But I was not down there. I wish I had been. I would have had some of you people where you belong.

Mr. GRIMES. No, sir; I never forged any checks.

The witness was thereupon excused.

W. F. SEARCH, having been first duly sworn, testified as follows:

Senator CURTIS. Where do you live?

Mr. SEARCH. In this city.

Senator CURTIS. How long have you lived here?

Mr. SEARCH. About twelve years.

Senator CURTIS. What is your business?

Mr. SEARCH. I am a banker.

Senator CURTIS. What bank are you connected with?

Mr. SEARCH. The Bank of Commerce.

Senator CURTIS. None of the parties concerned in this transaction are connected with that bank, are they?

Mr. SEARCH. No, sir.

Senator CURTIS. Do you know that branch of the Kickapoo tribe of Indians known as the Kicking Kickapoos?

Mr. SEARCH. I know of them; I am not personally acquainted with but few of them.

Senator CURTIS. Do you know anything about their having gone to Mexico?

Mr. SEARCH. Only as a matter of common talk.

Senator CURTIS. Did you ever talk with any of them about going?

Mr. SEARCH. No, sir.

Senator CURTIS. Do you know Mr. Bentley?

Mr. SEARCH. Yes, sir.

Senator CURTIS. Did you ever talk to him about their going down there?

Mr. SEARCH. I have had conversation with Mr. Bentley time and again, but on no special subject.

Senator CURTIS. I mean about the Indians going to Mexico.

Mr. SEARCH. Well, I do not know whether I have or have not; possibly I may have.

Senator CURTIS. If you have, you have forgotten it?

Mr. SEARCH. Yes, sir; I may have had some passing talk with him about it.

Senator CURTIS. Later on, when these parties were trying to buy land, do you know anything about any of the Indians being taken down there?

Mr. SEARCH. No, sir.

Senator CURTIS. Did any of those parties approach you to borrow money?

Mr. SEARCH. No, sir.

Senator CURTIS. State to the committee if you at any time were consulted by any person—by Mr. Bentley or anybody else—about those Indians going to Mexico?

Mr. SEARCH. No, sir.

Senator CURTIS. Had you any knowledge from conversations with the Indians or with Mr. Bentley as to why they went to Mexico?

Mr. SEARCH. No, sir; I think not, unless it was just possibly in a passing talk. I do not know that I ever asked about it.

The CHAIRMAN. Are you in the habit of buying Indian lands here?

Mr. SEARCH. No, sir; I am not a speculator.

The CHAIRMAN. You have been loaning some money on Indian land, have you not?

Mr. SEARCH. I think there are probably two pieces of land that we made a loan on, one of \$400 in a loan to Ed. Hood.

The CHAIRMAN. The lawyer?

Mr. SEARCH. Yes, sir.

The CHAIRMAN. Who else?

Mr. SEARCH. The other case in which I furnished some money was not a Kickapoo.

The CHAIRMAN. Was it Shawnee land?

Mr. SEARCH. No, sir; I think this probably was Pottawatomie, is it not, Mr. Thackery?

Mr. THACKERY. Shawnee. You are referring to the case of Mr. Dickens?

Mr. SEARCH. Yes, sir.

The CHAIRMAN. You have a deed to the N.  $\frac{1}{2}$  of the SW.  $\frac{1}{4}$  of sec. 21, T. 10 N. R. 3 E., have you not?

Mr. SEARCH. Yes, sir; that is, I did have.

The CHAIRMAN. Have you got it now?

Mr. SEARCH. No, sir; that deed was made direct to me to secure a loan of \$1,500 paid on that land, that is, to furnish part of the payment on it. That is how the deed came to me.

The CHAIRMAN. How much did you loan on that piece of land?

Mr. SEARCH. \$1,500.

The CHAIRMAN. To whom did you loan that?

Mr. SEARCH. Walter Dickens—I can not recall the other name; what is that other party's name, Mr. Thackery?

Mr. THACKERY. The deed to Mr. Ratzliff?

Mr. SEARCH. Yes.

The CHAIRMAN. Who are they? Are they employees of the Government?

Mr. SEARCH. I believe so.

The CHAIRMAN. Of the Indian Office?

Mr. SEARCH. Yes, sir.

The CHAIRMAN. Do you remember having any conversation with John Spybuck, the man whose deed you got?

Mr. SEARCH. I do not know John Spybuck, really. There were some parties came in—one of the Shawnee boys, I think—and demanded the money. There was a certificate of deposit made for the full payment; that is, \$2,300.

The CHAIRMAN. Who made that?

Mr. SEARCH. It was made at the bank.

The CHAIRMAN. Who had it made?

Mr. SEARCH. It was made through Mr. Dickens and Mr. Ratzliff, the parties who borrowed the money.

The CHAIRMAN. Did they borrow the money from you?

Mr. SEARCH. Yes, sir; \$1,500 of it, and \$800 they applied of their own money.

The CHAIRMAN. That \$800 was what they had loaned to Spybuck, was it not?

Mr. SEARCH. I do not understand it that way; I think not.

The CHAIRMAN. When you got this deed had you invested any money in this transaction at all?

Mr. SEARCH. We paid the \$1,500. The deed was made to me as a matter of security. I never claimed title to it.

The CHAIRMAN. You did not pay \$1,500, did you?

Mr. SEARCH. I loaned them \$1,500 and had the deed made direct from Spybuck to me as security for that.

The CHAIRMAN. Then who deposited the money you spoke of?

Mr. SEARCH. The balance of it was deposited by Mr. Dickens and Mr. Ratzliff.

The CHAIRMAN. How much did they deposit in addition to the \$1,500 which you say you loaned them?

Mr. SEARCH. The certificate of deposit is for \$2,300, and it was my understanding from them that they were to pay me about \$900 besides that.

The CHAIRMAN. Besides the \$2,300?

Mr. SEARCH. Yes, sir.

The CHAIRMAN. Do you know whether they paid him anything.

Mr. SEARCH. I have their word for it, and I have always known them to be truthful.

The CHAIRMAN. Never mind about that; that is not in controversy. Just tell us what you know about it. What do you know about their having paid him any money?

Mr. SEARCH. I do not know anything.

The CHAIRMAN. Do you know whether he ever got the \$1,500 of them of your own knowledge?

Mr. SEARCH. No, sir; I know the certificate is out yet.

The CHAIRMAN. The certificate is still in your bank, is it?



Mr. SEARCH. The certificate is out yet, and stands against the bank for \$2,300.

The CHAIRMAN. Who holds the certificate?

Mr. SEARCH. So far as I know, Spybuck holds it.

The CHAIRMAN. Do you not know that Spybuck has never had that certificate?

Mr. SEARCH. I do not know that; no, sir.

The CHAIRMAN. You never saw him, did you?

Mr. SEARCH. I saw him once, when he came in to demand the full payment for the land, and I told him the certificate was out and explained to him the way the matter was.

The CHAIRMAN. What, if anything, did he say to you?

Mr. SEARCH. He did not say anything.

The CHAIRMAN. Is he an Indian?

Mr. SEARCH. Yes, sir. He was with one of the Shawnee boys. Dudley Shawnee did the talking.

The CHAIRMAN. Did he not tell you that he had not sold the land?

Mr. SEARCH. No, sir.

The CHAIRMAN. What did he say about the certificate?

Mr. SEARCH. Well, I do not know that he said anything about it particularly.

The CHAIRMAN. He did not take the certificate, did he?

Mr. SEARCH. The certificate is out against the bank.

The CHAIRMAN. Who did you give the certificate to?

Mr. SEARCH. I gave the certificate to Mr. Dickens and Mr. Ratzliff, made payable to John Spybuck.

The CHAIRMAN. You did not give it to Spybuck, did you?

Mr. SEARCH. No, sir; I did not see Spybuck.

The CHAIRMAN. You know that Spybuck has not got it, do you not?

Mr. SEARCH. No, sir; I do not know that.

The CHAIRMAN. Have you not been told that Spybuck declined to take it?

Mr. SEARCH. No, sir; I do not know anything about it. It is out against the bank; I know that.

The CHAIRMAN. You never had seen this land?

Mr. SEARCH. No, sir.

The CHAIRMAN. What have you done with the land?

Mr. SEARCH. I made a special warranty or quitclaim deed to George Rose for it.

The CHAIRMAN. Who is he?

Mr. SEARCH. He lives in the country here.

The CHAIRMAN. Why did you make it to him?

Mr. SEARCH. Beacuse Dickens and Ratzliff sold it to him.

The CHAIRMAN. Do you know what they got for it?

Mr. SEARCH. I only know what they told me; it seems to me it was about \$3,200 or \$3,300.

The CHAIRMAN. And they paid him \$1,500?

Mr. SEARCH. No, sir; they paid him about \$3,200; that is my recollection.

The CHAIRMAN. That is, if he accepts this certificate?

Mr. SEARCH. Yes, sir.

The CHAIRMAN. The certificate and what they had loaned to him amounted to \$3,200?

Mr. SEARCH. Yes, sir; that was my understanding of it. I know the \$2,300 of the certificate was made direct to him.

The CHAIRMAN. Is that an even \$2,300?

Mr. SEARCH. Yes, sir.

The CHAIRMAN. How much did those two young men owe you when they got this deed from Spybuck?

Mr. SEARCH. They owed me the \$1,500 that I had loaned in that way and took the certificate.

The CHAIRMAN. You loaned it before you took the deed, did you not?

Mr. SEARCH. No, sir; I loaned it to them when they went to get the deed, and the understanding with them was that they were to have the deed made out in my name as security for that loan.

The CHAIRMAN. They had not got the deed when you loaned the money, then?

Mr. SEARCH. I think not. Of course, if they had not got the deed they would have returned the certificate.

The CHAIRMAN. Did they carry the certificate with them when they went after the deed?

Mr. SEARCH. Yes, sir.

The CHAIRMAN. When was it that Spybuck came to your bank?

Mr. SEARCH. Well, it must have been, as near as I can remember, probably ten days or maybe two weeks, after this transaction.

The CHAIRMAN. After which transaction?

Mr. SEARCH. After the transaction I have mentioned to you.

The CHAIRMAN. What did he say when he came to the bank?

Mr. SEARCH. He did not say anything. He had Dudley Shawnee with him.

The CHAIRMAN. What did Dudley say for him?

Mr. SEARCH. Dudley said he wanted the money.

The CHAIRMAN. He could have had the money, could he not?

Mr. SEARCH. I suppose he had the money. I had paid out the \$1,500.

The CHAIRMAN. You got a certificate of deposit in his name, did you?

Mr. SEARCH. Yes, sir; and gave it to them, and they were going to get the deed, because they had in that certificate \$800 of their own money.

The CHAIRMAN. Did they tell you these men would not take the certificate, and that they held the certificate?

Mr. SEARCH. No, sir.

The CHAIRMAN. You are sure they did not?

Mr. SEARCH. Yes, sir.

The CHAIRMAN. And you believed then that the Indian had the certificate?

Mr. SEARCH. Yes, sir; sure.

The CHAIRMAN. Did you ask him for it when he came in?

Mr. SEARCH. No, sir; I did not ask him for it; I told him they would have to go and see the other parties.

The CHAIRMAN. What should they go and see the other parties for, if he had the certificate?

Mr. SEARCH. I told them about the interest I had in it, and that I held that deed as security for this \$1,500.

The CHAIRMAN. But did not this Indian tell you he did not want to sell the land for that amount of money?

Mr. SEARCH. The Indian did not open his mouth, and the other man did not tell me; no, sir.

The CHAIRMAN. You know now, do you not, that these young men have got this certificate?

Mr. SEARCH. No, sir.

The CHAIRMAN. Have they not told you so?

Mr. SEARCH. No, sir.

The CHAIRMAN. Well, I can tell you so.

Mr. SEARCH. Well, I do not know, I am sure. It is entirely new to me.

The CHAIRMAN. Do you not know that this has been a matter of controversy between Spybuck's attorney and the Indian office?

Mr. SEARCH. I know that Mr. W. J. Riggs here claimed that he had bought it.

The CHAIRMAN. Bought what?

Mr. SEARCH. Bought this land from Spybuck after this man had bought it.

The CHAIRMAN. Who is Mr. Riggs?

Mr. SEARCH. He is a real estate man here in town.

The CHAIRMAN. You knew that the office was having considerable trouble about this land, did you not?

Mr. SEARCH. No, sir.

The CHAIRMAN. Did you not know that there was complaint made to the office that they had been dealing in Indian land that they ought not to deal in?

Mr. SEARCH. No, sir.

The CHAIRMAN. You heard nothing of that?

Mr. SEARCH. No, sir; I am not interested in Indian-land propositions and paid no attention to it.

Mr. EMBRY. Now, Mr. Search, if I understand your testimony, it is that these men—Dickens and Ratzliff—put in \$800 and that you loaned them \$1,500 additional, making \$2,300?

Mr. SEARCH. Yes, sir.

Mr. EMBRY. In your bank?

Mr. SEARCH. For that certificate.

Mr. EMBRY. And you issued them a certificate?

Mr. SEARCH. Yes, sir.

Mr. EMBRY. A certificate of deposit?

Mr. SEARCH. Yes, sir. I issued a certificate of deposit to them, and it is stated on the certificate that that was payable on its return with a patent from Spybuck. The patent, as I understood at that time, was in the office over here.

Mr. EMBRY. And that certificate was payable to whom?

Mr. SEARCH. It was payable to John Spybuck.

Mr. EMBRY. Then they took that. Did they come back with a deed to you?

Mr. SEARCH. Yes, sir; they turned the deed over to me, and I had it recorded.

Mr. EMBRY. Did they return the certificate to you?

Mr. SEARCH. No, sir; I have never seen it since.

Mr. EMBRY. How long after your receipt of the deed was it before Spybuck came in?

Mr. SEARCH. It must have been ten days; Spybuck did not come in until Mr. Riggs raised a controversy about it and claimed that he had bought it.

Mr. EMBRY. Then Spybuck and Dudley Shawnee came to your bank?

Mr. SEARCH. I suppose it was Spybuck. I would not know Spybuck if I should meet him to-day. There was an Indian with him when Dudley Shawnee came in, and he did the talking.

Mr. EMBRY. Did Dudley Shawnee represent that that was Spybuck with him?

Mr. SEARCH. I can not remember. I asked him particularly about Spybuck; he said that Spybuck wanted the money for the land, and I told him that all the interest I had in it was that I had taken the deed as security for the \$1,500 and had issued this certificate, and to go and see Mr. Dickens about it.

Mr. EMBRY. Why did you want him to go and see Dickens?

Mr. SEARCH. Because Dickens was the one I gave the certificate to.

Senator CURTIS. And of course you could not pay it out until the certificate was returned?

Mr. SEARCH. No, sir. I am willing to pay the money now if they return the certificate.

Mr. EMBRY. Was that certificate to be deposited any way until the Government patent arrived?

Mr. SEARCH. No, sir; I understood the Government patent had arrived; it was represented to me in that way.

Mr. EMBRY. Now, as to the additional consideration paid—\$2,300—you do not know anything about that?

Mr. SEARCH. No, sir; I do not know anything about that, except what I have been told by them as to what they had paid.

The CHAIRMAN. They told you they had paid \$900 in addition to the \$2,300, did they?

Mr. SEARCH. Yes, sir; that is my recollection—about \$3,200. I never expected to have the matter come up in this way and did not charge my mind particularly about it.

The CHAIRMAN. Did you talk to Mr. Riggs about this matter at all?

Mr. SEARCH. After I had made this deed to Mr. Rose I got a long letter from Riggs in which he demanded the deed. I have the letter yet. In reply, I said to Mr. Riggs that I was simply a passenger in the deal, that I never claimed any interest in the land, except the security of the \$1,500, and that there was no use of him and I talking about it or getting into a controversy on the subject because we probably could not agree, and I have not heard anything from him since.

The CHAIRMAN. Did he not claim that he had a mortgage on the land?

Mr. SEARCH. He took a mortgage afterwards, after this deed had been made to me.

The CHAIRMAN. How much did he claim to have?

Mr. SEARCH. My recollection of it is that the record shows about \$600, but this mortgage was filed after the deed had been made to me and put on record.

The CHAIRMAN. Was it made before or after; do you know about that?

Mr. SEARCH. All I know is just what the record will show at the time of the filing.

The CHAIRMAN. Did you file your deed promptly?

Mr. SEARCH. Yes, sir; I filed it right away.

The CHAIRMAN. Does Mr. Riggs live here in town?

Mr. SEARCH. Yes, sir; he is a real estate man.

Mr. EMBRY. What did Dudley Shawnee say to you when he came in?

Mr. SEARCH. I will tell it to you just as nearly as I can. When he came in there were two or three with him—Indians, I guess—and he said that this man Spybuck wanted his money for the land. I said, "You will have to go and see Dickens about it." I did not claim any interest in the land except having loaned Dickens \$1,500, and the deed is made to me as security for that \$1,500, and I have no other claim against it, and they went away.

Mr. EMBRY. How long have you known Mr. Dickens?

Mr. SEARCH. I have known him and known of him perhaps six years. I have known him personally for the last six years, perhaps.

Mr. EMBRY. In what capacity have you known him?

Mr. SEARCH. He was with the bank as bookkeeper for about a year.

Mr. EMBRY. With your bank?

Mr. SEARCH. Yes, sir; and then he has been connected with the school in one way or another during the remainder of the time.

Mr. EMBRY. What is Mr. Dickens's character as to being an honest and careful man?

Mr. SEARCH. First class; I do not know a man whose word I would take for anything quicker than I would that of Mr. Dickens.

The CHAIRMAN. You had two deeds in this case, did you not, in the Spybuck case?

Mr. SEARCH. No, sir; just the one.

The CHAIRMAN. Was there not a deed given you dated some time about September 4 from Spybuck?

Mr. SEARCH. No, sir, I think—I do not think I have but the one; I have no recollection of but the one.

The CHAIRMAN. Then, you have one signed and delivered on the 12th of September. Here are two of them that are certified to be copies of deeds that you have.

Mr. SEARCH. May I look at them?

The CHAIRMAN. Certainly.

The papers were here handed to the witness.

The CHAIRMAN. They are simply certified to be on record here. Have you any recollection of why you had two deeds?

Mr. SEARCH. I do not know; I am not sure.

The CHAIRMAN. Which one do you refer to, the first or last?

Mr. SEARCH. The last one. I have no recollection of having but one deed.

Senator CURTIS. May it not be the last one that you do know about and not the first one?

Mr. SEARCH. It may be.

Senator CURTIS. Is it not likely that one was given before the patent was issued, and the other taken after the patent was issued?

Mr. SEARCH. Well, I do not know.

Senator CURTIS. May it not have been that these young men took this deed, the first one, from you?

The CHAIRMAN. You did not see this deed made, or either one of them, did you?

Mr. SEARCH. No, sir. As I say, I know Mr. Dickens and Mr. Ratzliff and I had ample confidence in what they said, but I have no recollection of but the one deed.

Senator CURTIS. The reason we ask you these questions is because under the law, if the first deed was issued before the patent, that deed is void.

Mr. SEARCH. I do not know, I am sure.

Senator CURTIS. Do you know anything about where the deeds were made?

Mr. SEARCH. My recollection of it is that the deeds were made over about Muskogee, somewhere.

Senator CURTIS. Was it not Tulsa?

Mr. SEARCH. Maybe so.

The CHAIRMAN. You have your money now; you say they have sold it to somebody else?

Mr. SEARCH. They sold it to some one else and I made a special warranty deed to him.

The CHAIRMAN. They furnished the \$2,300 did they?

Mr. SEARCH. Yes, sir; including the \$1,500 that they borrowed.

The CHAIRMAN. Did they borrow any money of you?

Mr. SEARCH. They borrowed the \$1,500.

The CHAIRMAN. Was that part of the \$2,300?

Mr. SEARCH. The \$1,500 was part of the \$2,300. You see, they borrowed \$1,500 and paid \$800, and that made the \$2,300 for issuing the certificate in the name of John Spybuck, payable to John Spybuck. That certificate is out yet. Where it is I do not know.

The CHAIRMAN. You understand, then, that if Mr. Spybuck should take the \$2,300 he would be paid how much money?

Mr. SEARCH. About \$3,200.

The CHAIRMAN. You do not understand that he got the \$1,500? That you do not know, as I understand.

Mr. SEARCH. Well, if he did not get the \$1,500, he did not get the \$2,300; that was part of it.

The CHAIRMAN. That he did not get, as you know.

Mr. SEARCH. The money has not been paid out of the bank on it, but that certificate is out, payable to him?

The CHAIRMAN. You know he has not got the certificate, do you not?

Mr. SEARCH. No, sir.

The CHAIRMAN. Did not this young man tell you he would not take the certificate?

Mr. SEARCH. No, sir; I have not heard of the certificate until now.

The witness was thereupon excused.

WALTER F. DICKENS, having been first duly sworn, testified as follows:

The CHAIRMAN. State your name to the committee.

Mr. DICKENS. Walter F. Dickens.

The CHAIRMAN. You are a clerk in the Indian Office?

Mr. DICKENS. Yes, sir.

The CHAIRMAN. How long have you been there?

Mr. DICKENS. I have been there about six years, with the exception of about six months. I was employed at the Bank of Commerce during that time.

The CHAIRMAN. When was that?

Mr. DICKENS. From June, 1904, until February, 1905.

The CHAIRMAN. What is your business in the office?

Mr. DICKENS. I am financial clerk.

The CHAIRMAN. Are you a brother-in-law of Mr. Thackery, the agent?

Mr. DICKENS. Yes, sir.

The CHAIRMAN. Did you have some transactions with an Indian by the name of John Spybuck?

Mr. DICKENS. Yes, sir.

The CHAIRMAN. Where does he live?

Mr. DICKENS. He lives at Tulsa. Sperry, I think, is his post-office.

The CHAIRMAN. What was that transaction with him?

Mr. DICKENS. We bought a piece of land of him.

The CHAIRMAN. When did you buy it?

Mr. DICKENS. In September, 1907.

The CHAIRMAN. What time in September?

Mr. DICKENS. September 12, I believe the deed is dated.

The CHAIRMAN. You got a deed from him before that, did you not?

Mr. DICKENS. Yes, sir.

The CHAIRMAN. Have you ever contracted to buy Mr. Spybuck's property? You got a deed dated the 4th of September, did you not?

Mr. DICKENS. It was along about the middle of August, 1907.

The CHAIRMAN. What was your arrangement with him?

Mr. DICKENS. I agreed to pay him so much money for his land, and he agreed to take it.

The CHAIRMAN. How much did you agree to pay him?

Mr. DICKENS. \$3,000.

The CHAIRMAN. And he agreed to take it, did he?

Mr. DICKENS. Yes, sir.

The CHAIRMAN. How much did you advance him on it?

Mr. DICKENS. About \$900.

The CHAIRMAN. That was what he owed you when you took the deed, was it?

Mr. DICKENS. Yes, sir.

The CHAIRMAN. When you took the first deed had the patent been issued?

Mr. DICKENS. No, sir; not when I took the first deed.

The CHAIRMAN. It had not issued when you made the contract with him?

Mr. DICKENS. No, sir.

The CHAIRMAN. How did you find out that the patent was issued?

Mr. DICKENS. I was told by a friend that the patent had issued.

The CHAIRMAN. Who was the friend who told you that—

Mr. DICKENS. A man named Blogden.

The CHAIRMAN. How did he know that the patent had issued?

Mr. DICKENS. I do not know.

The CHAIRMAN. When did he tell you the patent had issued?

Mr. DICKENS. About the time I took the deed.

The CHAIRMAN. Did you not get your knowledge from the records of the office?

Mr. DICKENS. No, sir; I did not.

The CHAIRMAN. Did you not have some one telegraph you from Washington?

Mr. DICKENS. No, sir; I did not.

The CHAIRMAN. When you found that the patent had issued you immediately went to get the deed?

Mr. DICKENS. That was the understanding between Spybuck and myself.

The CHAIRMAN. That you should get the deed?

Mr. DICKENS. Yes, sir.

The CHAIRMAN. Why did you take a second deed; the patent had issued when you took the first one, had it not? .

Mr. DICKENS. No, sir.

The CHAIRMAN. Why did you take it, then, before the patent issued?

Mr. DICKENS. Because I had been misinformed, I guess.

The CHAIRMAN. Oh, you were mistaken about the patent being out?

Mr. DICKENS. Yes, sir.

The CHAIRMAN. You understood if you took a deed before the patent issued it would not be good?

Mr. DICKENS. Yes, sir.

Senator CURTIS. If I may interrupt right there, you understood that a deed based upon a contract made before the patent issued was void, did you not?

Mr. DICKENS. I understood my deed was good after the patent issued.

Senator CURTIS. Do you not know that under the act of April, 1906, every deed based on a contract entered into before the expiration of the restriction period is absolutely null and void, and is so made by statute?

Mr. DICKENS. No, sir.

Senator CURTIS. You have not read that law?

Mr. DICKENS. No, sir.

The CHAIRMAN. Then you took a second deed in order that you might have title after the patent had issued?

Mr. DICKENS. Yes, sir.

Senator CURTIS. There was no additional money paid the Indian?

Mr. DICKENS. Yes, sir.

Senator CURTIS. You had paid \$900?

Mr. DICKENS. I mean to say there was additional money.

Senator CURTIS. Paid afterwards?

Mr. DICKENS. Yes, sir.

Senator CURTIS. After this first deed?

Mr. DICKENS. Yes, sir.

Senator CURTIS. How much was paid?

Mr. DICKENS. \$225.

Senator CURTIS. Who was that paid to?

Mr. DICKENS. To Mr. Spybuck.

Senator CURTIS. Then you got the deed. You say you were to have the title for \$3,000?

Mr. DICKENS. Yes, sir.



Senator CURTIS. Have you paid \$3,000?

Mr. DICKENS. Yes, sir.

Senator CURTIS. Have you paid it to Mr. Spybuck?

Mr. DICKENS. Paid it to Mr. Spybuck.

Senator CURTIS. How did you pay it?

Mr. DICKENS. In cash and by certificate.

Senator CURTIS. Did he get the certificate?

Mr. DICKENS. He has the certificate as far as I know. I delivered it into his hands.

Senator CURTIS. He did not refuse to take it, did he?

Mr. DICKENS. No, sir.

Senator CURTIS. Did he refuse to take the money on it?

Mr. DICKENS. No, sir.

Senator CURTIS. You are sure about that, are you?

Mr. DICKENS. Yes, sir.

Senator CURTIS. You have sold the property, have you?

Mr. DICKENS. Yes, sir.

Senator CURTIS. What did you sell it for?

Mr. DICKENS. Three thousand four hundred dollars.

Senator CURTIS. Have you got your pay for it?

Mr. DICKENS. Yes, sir.

Senator CURTIS. In your judgment you have closed that transaction, have you?

Mr. DICKENS. Yes, sir.

Senator CURTIS. And you think the title in the man you sold it to is good?

Mr. DICKENS. Yes, sir.

Senator CURTIS. Have you not a regulation that you are familiar with that forbids employees of the Government from dealing in Indian land?

Mr. DICKENS. Not when the patent is issued.

Senator CURTIS. But you were dealing in Indian land before the patent issued, in August last, were you not? It had not been issued then?

Mr. DICKENS. Well, I hardly know—

The CHAIRMAN. You had contracted for this land in August; you had paid some money on the contract?

Mr. DICKENS. He agreed to sell me the land in August provided he did not get more money for the land.

Senator CURTIS. Do you know what the land is worth?

Mr. DICKENS. It is worth what I paid for it.

Senator CURTIS. Is it not worth a good deal more?

Mr. DICKENS. I do not think it is.

Senator CURTIS. Do you know the land?

Mr. DICKENS. Yes, sir; I have been over the land.

Senator CURTIS. Do you not know that he has been offered \$6,000 for that land?

Mr. DICKENS. No, sir; I do not.

Senator CURTIS. Who was your associate in this arrangement?

Mr. DICKENS. Well, Mr. Ratzliff offered to put up half of the money; we were buying the land together—Peter P. Ratzliff.

Senator CURTIS. What is his business?

Mr. DICKENS. Additional farmer.

Senator CURTIS. Is he in the employ of the Government?

Mr. DICKENS. Yes, sir.

Senator CURTIS. He made this contract with you when you loaned the first money, did he?

Mr. DICKENS. No, sir.

Senator CURTIS. When did he make it?

Mr. DICKENS. Ratzliff was brought into the deal later.

Senator CURTIS. Why did you have this deed made to Mr. Search?

Mr. DICKENS. To secure the loan on the land.

Senator CURTIS. You say he came in later. When did he come in?

Mr. DICKENS. I think it was some ten or twelve days before I bought the land.

Senator CURTIS. Before you got your deed, you mean?

Mr. DICKENS. Yes, sir.

Senator CURTIS. Well, it was before the patent issued, was it not?

Mr. DICKENS. Yes, sir.

Senator CURTIS. There has been some correspondence between Mr. Spybuck's attorney and the office, has there not, about this matter?

Mr. DICKENS. I think there has been.

Senator CURTIS. Do you not know that there has been?

Mr. DICKENS. Yes, sir.

Senator CURTIS. Do you know what the office wrote on the subject?

Mr. DICKENS. I read the letter, I believe.

Senator CURTIS. Did you write the letter?

Mr. DICKENS. No, sir; I did not write the letter.

Senator CURTIS. Just look at that letter. Did you see the letter from Mr. Spybuck's attorney to the office?

Mr. DICKENS. Not until after the letter had been written.

Senator CURTIS. Here is a letter. Have you seen that? It was shown to you, was it not [handing witness a letter]?

Mr. DICKENS. Yes, sir; I read the letter afterwards.

Senator CURTIS. That is a letter from Spybuck's attorney to the office?

Mr. DICKENS. Yes, sir.

Senator CURTIS. You read the letter that was written in reply, did you not?

Mr. DICKENS. I read it three or four days after it was written.

Senator CURTIS. You did not write it, did you?

Mr. DICKENS. No, sir.

Senator CURTIS. Who did write it?

Mr. DICKENS. I do not know who wrote it.

Senator CURTIS. Are there not some marks on it to show who wrote it?

Mr. DICKENS. There are none on that letter.

Senator CURTIS. Who is it signed by?

Mr. DICKENS. It is signed by Mr. Thackery..

Senator CURTIS. It is rather to be presumed that Mr. Thackery wrote it, is it not? Do you know whether he did or not?

Mr. DICKENS. No, sir; I do not.

Senator CURTIS. Have you been heretofore engaged in this business of loaning money to Indians and taking security on their land?

Mr. DICKENS. No, sir.

Senator CURTIS. Is it customary to do that in the office?

Mr. DICKENS. I do not think it is.

Senator CURTIS. Did you ever know it to be done before?

Mr. DICKENS. No, sir; I did not.

Senator CURTIS. You say this contract was a contract of purchase and not a loan that you made?

Mr. DICKENS. Spybuck agreed to sell me his land when his patent was issued.

Senator CURTIS. And you agreed to buy it?

Mr. DICKENS. Provided he did not get more money for it.

Senator CURTIS. He agreed to sell it to you for \$3,000, but reserved the right if he got a larger offer to accept that?

Mr. DICKENS. Yes, sir.

Senator CURTIS. And pay you the money?

Mr. DICKENS. Yes, sir.

Senator CURTIS. Well, that was a loan, that part of it, was it not?

Mr. DICKENS. Yes, sir.

Senator CURTIS. But when the patent issued you held him to the contract?

Mr. DICKENS. I did not have any difficulty in holding him.

Senator CURTIS. Did he not object?

Mr. DICKENS. No, sir.

Senator CURTIS. Did you go over there to Tulsa after this deed yourself?

Mr. DICKENS. Yes, sir.

Senator CURTIS. Who are these witnesses—Samuel Charlie and R. E. Lynch? This is the first patent. R. E. Lynch and Samuel Charlie. Lynch appears to be the notary.

Mr. DICKENS. Lynch was the notary.

Senator CURTIS. Who is Charlie?

Mr. DICKENS. Charlie was a man who did the interpreting to John's wife.

Senator CURTIS. What had John's wife to do with it?

Mr. DICKENS. Under the laws of Oklahoma she had to sign the deed with John.

Senator CURTIS. And she signed the deed?

Mr. DICKENS. Yes, sir.

Senator CURTIS. She is an Indian woman, is she?

Mr. DICKENS. Yes, sir.

Senator CURTIS. Does she talk English?

Mr. DICKENS. I do not know whether she does or not.

Senator CURTIS. Does Spybuck talk English?

Mr. DICKENS. Yes, sir.

Senator CURTIS. How much English does he talk?

Mr. DICKENS. He talks English enough to transact ordinary business. I never had any trouble in making him a loan.

Senator CURTIS. You do not know whether they explained this thing to them at all, do you—you were not there?

Mr. DICKENS. Yes, sir.

Senator CURTIS. Were you there?

Mr. DICKENS. Yes, sir.

Senator CURTIS. You saw it?

Mr. DICKENS. I was there; yes, sir.

Senator CURTIS. Was this deed explained to Mr. Spybuck?

Mr. DICKENS. Yes, sir.

Senator CURTIS. Who by?

Mr. DICKENS. I explained it to him, and it was explained in his presence to his wife by an interpreter.

Senator CURTIS. You do not know what the interpreter said, do you?

Mr. DICKENS. No, sir; I could not say as to that. I do not speak Indian.

Senator CURTIS. Now, the second piece, dated the 12th day of September, is witnessed by D. T. Evans; who is he?

Mr. DICKENS. He is a notary public.

Senator CURTIS. Is he the notary that took the acknowledgment?

Mr. DICKENS. Yes, sir.

Senator CURTIS. Who is Roy Lewis?

Mr. DICKENS. Roy Lewis is an Indian boy.

Senator CURTIS. Was he an interpreter?

Mr. DICKENS. He interpreted to John's wife; we called him to witness the deed and to interpret it to John's wife.

Senator CURTIS. You can not say whether the interpreter made a truthful statement to John's wife about this, can you?

Mr. DICKENS. Well, I do not talk Shawnee.

Senator CURTIS. And you could not understand what he said to her at all?

Mr. DICKENS. No, sir.

The CHAIRMAN. We will have these two letters put into the record, and both deeds.

The papers are as follows:

INDIAN TERRITORY, *October 31, 1907.*

CHIEF CLERK OF SHAWNEE AGENCY,

*Tecumseh, Okla.*

DEAR SIR: I am representing John Spybuck and wife, who will shortly bring suit to recover the possession of, and set aside some pretended deeds and mortgage upon the following-described property: N.  $\frac{1}{2}$  of SW.  $\frac{1}{4}$  of sec. 21, T. 10 N., R. 3 E., Oklahoma Territory, containing 80 acres. As you are aware, this is the allotment of John Spybuck, and he never received the patent for the same until along about the middle of September, which patent you have, I suppose, now in your possession.

There has been fraud and undue influence to get these pretended deeds from John Spybuck and wife. In the first place John Spybuck and wife could not sell this land legally, and in the next place they never did sell it legally, and have never received the consideration for it as shown in the deed, and such consideration is entirely inadequate for this land, even though it had been received, which the party pretending to buy the land knew beyond all question.

William S. Search, I am informed and believe, is not a party in interest, but is a figurehead used to take the title on behalf of parties who do not appear in the deed.

I have been in correspondence with the Department concerning the right of persons in the Indian Service to purchase land allotted to Indians, and I am informed by the Department that it is not allowed, and is treated with most decided disfavor. From the fact that you have loaned money to Spybuck on several occasions and have been very instrumental in securing these deeds, and I am informed are the real party in interest in the deeds, I have taken the matter up with the Department as to whether or not you are allowed to deal in Indian land of this character. I am informed that you are not, and that such conduct on your part is treated with decided disfavor. I will state to you

frankly that I have not mentioned your name to the Department or anyone else, but I now write you to say that I propose to go into this transaction to the bottom and recover this land for Spybuck, and if in doing so you are brought into the discussion in an unfriendly way it will not be my fault. I would much prefer to have this matter adjusted amicably, but this action will be brought at once and the whole matter reported to the Department, and your connection with the same, unless it can be settled without delay.

I would like to hear from you in this matter.

Yours, truly;

DEPARTMENT OF THE INTERIOR,  
UNITED STATES INDIAN SERVICE,  
U. S. INDIAN AGENCY,  
*Shawnee, Okla., November 7, 1907.*

MR. E. ROBITAILLE,  
*Tulsa, Ind. T.*

DEAR SIR: Your letter of the 31st of October, 1907, addressed to the "Chief Clerk of Shawnee Agency, Tecumseh, Okla.," was forwarded from Tecumseh to Shawnee, where all of the mail for this office is received. In the absence of the chief clerk, Mr. Thomas W. Alford, the letter was opened by me because of its being addressed to the "chief clerk," it being presumed that it had to do with official business.

The matter of the purchase of the John Spybuck allotment by an employee of this agency had heretofore been called to my attention and the case has been fully reported to the Department by me. I regret very much that any employee from this office should have subjected the office to unfavorable criticism. However, from a careful investigation of the affair, I have not found where any fraud was perpetrated, and am convinced that Mr. Spybuck fully understood that he was selling his land and was satisfied with the price he was to receive until he was persuaded to employ an attorney by other parties desiring to buy the same land. I find checks and other positive evidence to show that Spybuck has received the sum of \$3,235 for the land, \$2,300 of this amount being still in the Bank of Commerce at this place to his credit. Mr. Spybuck was given a certificate of deposit for this latter amount and can get the money whenever he calls for it. This whole affair happened during my absence from the agency and I was of the opinion that Mr. Spybuck's patent had been delivered to him until I received your letter. I have to-day mailed it to the First National Bank of Tulsa for proper delivery to Spybuck upon his signing the usual receipts for the same. I notice that you say in concluding your letter:

"I propose to go into this transaction to the bottom and recover this land for Spybuck, and if in doing so you are brought into the discussion in an unfriendly way it will not be my fault. I would much prefer to have this matter adjusted amicably, but this action will be brought at once, and the whole matter reported to the Department, and your connection with the same, unless it can be settled without delay."

From the above I draw the inference that, no matter how wrong an employee at this office may have been acting, you are willing to keep the whole matter from the Department and the courts if he will settle the matter with you. This would seem to mean that if he would confess his guilt and pay for it you would let him off. He insists to me, with apparent truthfulness which he substantiates with numerous witnesses, that he has committed no fraud or wrong against anybody, but that he merely acted indiscreetly in buying Indian land, being an employee of an Indian agency at the time. Certainly if it can be shown that he has committed any wrong against the Indian Spybuck, I will not defend him in it but will assist Spybuck in every way possible, but he denies this emphatically and there is nothing left for you to do but to bring the action you contemplate and report the case fully to the Department if you so desire. There are two of the employees at this agency who were interested in the purchase of this land and they have both been here for many years, during all of which time their records have been excellent; however, if you can show wherein they have been more than indiscreet in this matter I shall be pleased to report the matter to the Department, further, with appropriate recommendations.

Very respectfully,

FRANK A. THACKERY,  
*Superintendent and Special Disbursing Agent.*

WARRANTY DEED.

DEED OF CAY-SO-WAH, OR JOHN SPYBUCK, AN ABSENTEE SHAWNEE INDIAN, AND ALICE SPYBUCK, HUSBAND AND WIFE.

Description of land in deed: North half of the southwest quarter of section twenty-two in township ten, north of range three, east of the Indian meridian, Oklahoma Territory, containing eighty acres. Consideration of deed, \$3,000.

Signed and delivered September 4, 1907.

Deed made William S. Search.

(Signed) CAY-SO-WAH (his x mark). or JOHN SPYBUCK.

Witnesses:

SAMUEL CHARLEY.

R. E. LYNCH.

Cay-so-wah, or John Spybuck, and Alice Spybuck, husband and wife, to William S. Search; amount three thousand dollars. Description of land: N.  $\frac{1}{2}$  of SW.  $\frac{1}{4}$  of sec. 22, township 10, north of range 3, east of the Indian meridian, Oklahoma Territory, containing eighty acres.

Deed dated September 12, 1907.

(Signed) CAY-SO-WAH, or JOHN SPYBUCK (his mark). [L. s.]  
ALICE SPYBUCK (her x mark). [L. s.]

Witnesses to both names and marks:

T. D. EVANS.

ROY LEWIS.

The CHAIRMAN. Mr. Spybuck had his restrictions removed, did he not?

Mr. DICKENS. Yes, sir.

The CHAIRMAN. By the Department?

Mr. DICKENS. Yes, sir.

The CHAIRMAN. When did the recommendation go from the Department at Washington indorsing his application?

Mr. DICKENS. It went from this office to the Department.

The CHAIRMAN. You mean your office here?

Mr. DICKENS. I do not remember; it was some couple of months prior to issuing the patent.

The CHAIRMAN. When you made the contract you knew it had been recommended—you knew that Mr. Thackery had recommended that his restrictions be removed?

Mr. DICKENS. I do not remember about that.

The CHAIRMAN. Would you have taken a mortgage on a piece of property of that kind?

Mr. DICKENS. I did not take the mortgage.

The CHAIRMAN. Would you have loaned money on a piece of property like that?

Mr. DICKENS. I did not loan money on the property.

The CHAIRMAN. When did you first find out that the restrictions had been removed. You certainly knew that before you took the deed, did you not? You knew that a patent could not issue until that happened, did you not?

Mr. DICKENS. I can hardly answer that question.

The CHAIRMAN. You know that an Indian's restriction prevents him from making a deed; the removal of the restrictions was required, was it not, before he could make a valid deed?

Mr. DICKENS. Yes, sir.

The CHAIRMAN. You knew also that these restrictions would not be removed unless the agent recommended it, did you not?

Mr. DICKENS. Yes, sir.

The CHAIRMAN. You knew it had been done, then, did you not? Would you have made a contract with him if that had not been done?

Mr. DICKENS. I did not make any contract with Mr. Spybuck.

The CHAIRMAN. You say you bought his land?

Mr. DICKENS. Yes, sir; I bought the land after the patent had issued; but I did not make any contract with Mr. Spybuck other than if he did not sell it I would take it.

The CHAIRMAN. When you made the contract with him in August that you spoke of, the patent had not been issued, had it; have you got the patent?

Mr. DICKENS. No, sir.

The CHAIRMAN. Have you seen the patent?

Mr. DICKENS. Yes, sir.

The CHAIRMAN. What is the date of the patent?

Mr. DICKENS. I do not remember the date, September sometime.

The CHAIRMAN. It was issued before the 12th was it not?

Mr. DICKENS. Yes, sir.

The CHAIRMAN. But you do not know when?

Mr. DICKENS. No, sir.

The CHAIRMAN. Do you think it was issued before you made the contract with him in August?

Mr. DICKENS. I did not make any contract; I do not want to be understood as having made a contract with Mr. Spybuck.

The CHAIRMAN. Not since Senator Curtis told you it would not be a valid contract, you do not want it to be so understood?

Mr. DICKENS. I do not understand that.

The CHAIRMAN. You stated most emphatically that you made a contract to purchase his land?

Mr. DICKENS. No, sir; I made no contract with Mr. Spybuck for his land. I told him I would give him so much for his land if he wanted to take it, and if he got a higher bid for his land to come and tell me about it. That was the agreement. I have not seen Mr. Spybuck but two or three minutes since I took the deed from him.

The CHAIRMAN. You stated it very positively, and I think you would have adhered to that if you had not thought it necessary to change, but I will let the record show.

Mr. EMBRY. The first time you talked with Spybuck in August, was it further stated that if he got a higher price for the land when the patent came that he would sell it for the highest price to someone else?

Mr. DICKENS. Yes, sir.

Mr. EMBRY. How much money did you advance him before the deed was made?

Mr. DICKENS. I think about \$400 or \$500.

Mr. EMBRY. Was it the further understanding that in the event he could secure a higher price for his land when his patent came, that he would sell it to another and reimburse you what you had advanced him?

Mr. DICKENS. Yes, sir; that was the understanding.

Mr. EMBRY. You say at the time you took this first deed you had been informed by some one that the patent had issued?

Mr. DICKENS. Yes, sir.

Mr. EMBRY. That was erroneous, was it not—the patent had not issued?

Mr. DICKENS. No, sir; it had not issued.

Mr. EMBRY. And after ascertaining that mistake you took the second deed?

Mr. DICKENS. Yes, sir.

Mr. EMBRY. That was why you at the time delivered this certificate of deposit to Spybuck?

Mr. DICKENS. Mr. Lynch and Mr. Charlie were with him. Samuel Charlie, I believe is his name.

Mr. EMBRY. Was that the time he executed the first or the second deed?

Mr. DICKENS. It was when he executed the first deed.

The CHAIRMAN. I wish you would state again who informed you that the patent had issued.

Mr. DICKENS. Mr. Brogden.

The CHAIRMAN. Who is he?

Mr. DICKENS. He is a man here in Shawnee.

The CHAIRMAN. What is his business?

Mr. DICKENS. He is employed by Mr. Graham.

The CHAIRMAN. That does not tell what his business is.

Mr. DICKENS. He is employed as a clerk.

The CHAIRMAN. In the store over here?

Mr. DICKENS. Yes, sir.

The CHAIRMAN. He is not employed by the Government, is he?

Mr. DICKENS. No, sir.

Mr. EMBRY. Does John Spybuck talk English?

Mr. DICKENS. Yes, sir.

Mr. EMBRY. And the deed was explained to him?

Mr. DICKENS. Yes, sir.

Mr. EMBRY. And it was explained through an interpreter to his wife, you say?

Mr. DICKENS. Yes, sir.

Mr. EMBRY. Did you deliver that certificate of deposit to him—that certified certificate?

Mr. DICKENS. Yes, sir.

Mr. EMBRY. Do you know where that is now?

Mr. DICKENS. No, sir; I do not. When I took the second deed Mr. Spybuck told me that he had it at home.

Mr. EMBRY. How much did you sell this land for?

Mr. DICKENS. \$3,400.

Mr. EMBRY. How much did it cost you?

Mr. DICKENS. It cost me \$3,225 actual money that I had paid Spybuck.

Mr. EMBRY. And part of that money was advanced to him some time ago?

Mr. DICKENS. Yes, sir.

Mr. EMBRY. Where is this allotment located?

Mr. DICKENS. About 4 miles west of the town.

Mr. EMBRY. How old a man is Spybuck?

Mr. DICKENS. I judge he is about 40 or 45.

Mr. EMBRY. Do you know whether he is educated?

Mr. DICKENS. I do not know whether he has ever been to school or not; he speaks English and seems to be one of the most advanced Indians in that tribe. He is considered able to transact his own business.



Mr. EMBRY. Where does he live?

Mr. DICKENS. He lives at Sperry, Ind. T.; I think that is his post-office.

Mr. EMBRY. What is his business, if you know?

Mr. DICKENS. No, sir; I do not know; he is a farmer. He lives on his farm with his wife.

Mr. EMBRY. Has he a farm over there?

Mr. DICKENS. I understand that his wife has an allotment there.

Mr. EMBRY. And his allotment is here with the Absentee Shawnees?

Mr. DICKENS. Yes, sir.

Mr. EMBRY. This was an 80-acre allotment, was it?

Mr. DICKENS. Yes, sir.

Mr. EMBRY. What is the character of the land?

Mr. DICKENS. The most of it is very good bottom land.

Mr. EMBRY. How far is it from Shawnee?

Mr. DICKENS. About 3½ or 4 miles.

Mr. EMBRY. In what direction?

Mr. DICKENS. West.

Mr. EMBRY. What improvements are there on it?

Mr. DICKENS. It is under cultivation; it is land that can be cultivated.

Mr. EMBRY. How much of it is under cultivation?

Mr. DICKENS. Nearly 60 acres, I should judge.

Mr. EMBRY. What is the condition of the remaining portion?

Mr. DICKENS. There are about 20 acres of waste land on the 80.

Mr. EMBRY. Do you consider it waste; for what reason?

Mr. DICKENS. It is subject to overflow.

Mr. EMBRY. Is there any house on it or other improvements?

Mr. DICKENS. There is an old shed on it, of no value whatever, and a house.

Mr. EMBRY. Is there any fencing?

Mr. DICKENS. I believe it is under fence. I do not know whether the fence belongs to Spybuck or not.

The CHAIRMAN. Did you say there was a fence on it?

Mr. DICKENS. It is inclosed with a fence on the west and north and south. I do not know about the east end of it.

The CHAIRMAN. You said he was a Shawnee Indian?

Mr. DICKENS. Yes, sir.

The CHAIRMAN. Who is Mr. Rose, to whom this deed was made by Mr. Search?

Mr. DICKENS. He is a banker.

The CHAIRMAN. Is he not a partner of Mr. Search?

Mr. DICKENS. No, sir; I think not.

The CHAIRMAN. Was he not formerly?

Mr. DICKENS. Not that I know of.

The witness was thereupon excused.

HARRY MEADE, having been first duly sworn, testified as follows:

Senator CURTIS. What is your business?

Mr. MEADE. I am in the hardware business.

Senator CURTIS. Where do you live?

Mr. MEADE. At Shawnee.

Senator CURTIS. How long have you lived here?

Mr. MEADE. Ten years.

Senator CURTIS. Have you been in the hardware business all that time?

Mr. MEADE. Practically, with the exception of about eighteen months, when I was in the banking business.

Senator CURTIS. Do you know of the band of Kickapoo Indians known as Kicking Kickapoos, or Mexican Kickapoos?

Mr. MEADE. I know of them; yes, sir.

Senator CURTIS. State if while you were here you had any business transactions with them.

Mr. MEADE. I have at various times, in the store, sold them goods, a few of them.

Senator CURTIS. Do you know anything about any portion of them going to Mexico since you have been here?

Mr. MEADE. I know of their going.

Senator CURTIS. When was that?

Mr. MEADE. I could not tell you—off and on.

Senator CURTIS. Eight or ten years ago?

Mr. MEADE. No, sir; it has been within the last two years, I judge.

Senator CURTIS. Have you heard from the Indians themselves, or anyone else, why they went to Mexico?

Mr. MEADE. I have not.

Senator CURTIS. Do you know Mr. Bentley?

Mr. MEADE. Yes, sir; I have known him for ten years, I think.

Senator CURTIS. Did you ever talk with him about the Indians going to Mexico?

Mr. MEADE. If so, it has only been in passing. In fact, I think the most I ever talked with him has been in the last two or three days and just a remark was made, but I do not think that was about them.

Senator CURTIS. I mean before that.

Mr. MEADE. No, sir.

Senator CURTIS. Did you hear him say he was going to take them to Mexico for the purpose of getting land for them?

Mr. MEADE. No, sir.

Senator CURTIS. Have any of the Indians stated to you why they were going to Mexico?

Mr. MEADE. No, sir; they have not.

Senator CURTIS. Do you know about these land transactions?

Mr. MEADE. I know of them in a general way.

Senator CURTIS. Were you down there at all in Mexico?

Mr. MEADE. No, sir.

Senator CURTIS. Or in Texas?

Mr. MEADE. No, sir.

Senator CURTIS. You do know about them in a general way?

Mr. MEADE. I tell you frankly when the thing came up I was like everybody else; I heard the Indians were selling their land in old Mexico.

Senator CURTIS. And you wanted a piece?

Mr. MEADE. It sounded interesting, and I commenced to ask questions.

Senator CURTIS. State who you talked to and all about it.

Mr. MEADE. I talked to Benson.

Senator CURTIS. What conversation did you have with him?

Mr. MEADE. I think I went to Benson and asked him what kind of land they had and what kind of a deal they were getting from the Indians; in other words, how to get in.

Senator CURTIS. What did he say?

Mr. MEADE. I do not remember exactly; I do not think I could quote the conversation, but Mr. Chapman and they had some friends and they were down there buying Kickapoo Indian lands. It was said that the bill had passed Congress, and I think more than likely I asked him about the deal, and I remember the discussion of the question of whether the title would be good or not, and he thought it would be. I guess I was afraid.

Senator CURTIS. You did not get in, anyhow?

Mr. MEADE. I did not get in; no, sir.

Senator CURTIS. Did he offer to let you put up some money?

Mr. MEADE. I think a little later; I perhaps kept asking him questions until he finally extended me an invitation in which he said I could get in if I wanted to.

Senator CURTIS. To what extent?

Mr. MEADE. To the extent that if I would put some money in he would take an interest with me.

Senator CURTIS. How many thousand dollars?

Mr. MEADE. My recollection is that he suggested I should put in seven or eight thousand dollars.

Senator CURTIS. Who did he say would do the business in Mexico?

Mr. MEADE. I positively could not tell you, because I do not remember.

Senator CURTIS. He did not mention any name?

Mr. MEADE. No, sir.

Senator CURTIS. Did you have any understanding with him as to who was representing him?

Mr. MEADE. No, sir.

Senator CURTIS. Did he tell you who was on the ground?

Mr. MEADE. In a general way, I understood Mr. Chapman, Mr. Grimes, and Al. Brown; in fact, I think that most of us around here knew there were quite a few down there. Russell Johnson perhaps was there.

Senator CURTIS. That is the poor young man who died a few days ago?

Mr. MEADE. Yes, sir.

Senator CURTIS. Did you talk with Johnson about the matter when he came back?

Mr. MEADE. No, sir.

Senator CURTIS. Did you have any talk with any other man about going down there?

Mr. MEADE. No, sir; I never discussed the matter with anyone, except Mr. Benson.

Senator CURTIS. Were you ever invited by Mr. Bentley to go down?

Mr. MEADE. No, sir; I never talked Kickapoo land to Mr. Bentley.

Senator CURTIS. If you were so anxious to get in this little deal, why did you not put up the money; what frightened you off?

Mr. MEADE. I will tell you—the conversation I had with Benson. I asked Benson because I was vice-president of the bank that he was president of.

Senator CURTIS. Is he president of it now?

Mr. MEADE. No, sir; he has been out of it for over a year. My position as vice-president was purely honorary; I did not take any active part, and I felt free to ask him where they were buying land and how they were buying it, and he told me they were buying the land. He told me, perhaps, at the time how much money he had in it.

Senator CURTIS. Did he estimate how much it would be?

Mr. MEADE. I do not know whether he did or not. I had a general idea they were paying something like \$800 or \$1,000 an 80 for it.

Senator CURTIS. Did you have any idea about what that land was worth?

Mr. MEADE. Some of it was very good and some of it not so good. I do not know that I have ever seen but a few pieces of it.

Senator CURTIS. Do you know this tract that lies out here close to the town on the west?

Mr. MEADE. Yes, sir; I know about where that is.

Senator CURTIS. What is that piece of land worth that has a clear title?

Mr. MEADE. I have always been a bear; I have not the exalted ideas that some have. I would judge that land to be worth \$50 an acre.

Senator CURTIS. It is worth, at least, \$4,000, is it not?

Mr. MEADE. There is a piece that I have reference to that lies close to town, where the value would be enhanced from the fact of its proximity to the town.

Senator CURTIS. You do not know how much they gave for that?

Mr. MEADE. No, sir; let me finish.

Senator CURTIS. Very well; go ahead.

Mr. MEADE. I asked Mr. Benson about the land, and he told me they would buy it, but said he was about out of money; that is, he had about all he wanted of it; that is, "all in," to use the expression, and I could get in if I wanted to, and if I would put up \$7,000 or \$8,000 he would take an interest in it, and I took it under advisement.

Senator CURTIS. Did he propose that you should put up the \$7,000 or \$8,000 and divide with the other people?

Mr. MEADE. Yes, sir.

Senator CURTIS. They would put up their experience against your money?

Mr. MEADE. Yes, sir; in fact, the profit would be cut up, and there was a question of how much would be made, and I did not care to do it.

Senator CURTIS. You are glad you did not get into it, are you not?

Mr. MEADE. I am tickled to death, Senator; I have been glad ever since.

Mr. EMBRY. This tract of land, the value of which you are certifying to, where is that?

Mr MEADE. My understanding is that it is right out here, the other side of a dairy.

Mr. BENTLEY. It is near Bradley's.

Mr. MEADE. Yes, sir; right in there.

Mr. EMBRY. How far from town?

Mr. MEADE. I judge a mile from the Kirst property on Broadway.

Mr. EMBRY. How long have you known Mr. Bentley?

Mr. MEADE. Ten years.

Mr. EMBRY. You have known him during the time he was Indian agent here?

Mr. MEADE. Yes, sir.

Mr. EMBRY. You have known him since that time?

Mr. MEADE. I have known him all the time; yes, sir; since then. I have not seen Mr. Bentley as much in the last few years as I used to see him when he was agent.

Mr. EMBRY. What do you know of Mr. Bentley's character and reputation.

Mr. MEADE. When he was agent I was in the implement business—hardware and implement business—and he bought a great many goods from us. I have come in contact with him there; my acquaintance with him was there while I was in the hardware and implement business.

Mr. EMBRY. You have had acquaintance with him since?

Mr. MEADE. Yes, sir.

Mr. EMBRY. What do you know of his general methods and reputation and character?

Mr. MEADE. All I know is my own business relations with him, and they were eminently satisfactory, and I have known nothing since in any other way.

Mr. EMBRY. Have you known his reputation since then?

Mr. MEADE. Yes, sir; I know Mr. Bentley here and know of him being around here and living here.

Mr. EMBRY. What can you say with respect to that?

Mr. MEADE. I can say nothing against it. Of course you understand this has been a great country. I am only passing my opinion on my own knowledge.

Mr. EMBRY. Now, as to his reputation, what have you to say?

Mr. MEADE. I know nothing against his reputation.

Mr. EMBRY. Reputation is based on what the people in the community generally say about you. What do you say as to that general reputation?

Mr. MEADE. I may have heard somebody say something against Mr. Bentley and other people say something for him. I could not go on record as saying that I know anything derogatory.

Mr. EMBRY. A man's reputation does not call for what a witness actually knows about the man, but what he knows as to what people generally say about him. That is what I am asking you for. What is his general reputation in this community? Is it good or bad?

The CHAIRMAN. This is your witness on that proposition; we did not call him.

Mr. MEADE. Well, I could not say that it was bad.

The CHAIRMAN. I do not think that is fair.

Mr. EMBRY. I will ask you to look at this record [handing the witness a paper].

Mr. MEADE (after examining). I still believe that, Mr. Embry.

Mr. EMBRY. I do not see the impropriety in examining all this.

Mr. MEADE. My experience with Mr. Bentley while he was agent, as I said before, was eminently satisfactory. Mr. Bentley's business relations with me were satisfactory. Now, I never had any trouble with him, nor had any cause for any trouble. I do remember—I am not doing this in eulogy of Mr. Bentley, but I want to explain why I signed that paper. It was during the time that he was agent that he bought them mules or wagons and started them to farming. It was my understanding and impression at that time—who the agent was before that I do not know; he was the first agent I knew of the Kickapoos, and I must say that during that time, as far as I know and had any ability to judge, the Indians thought a good deal of him, and I think that is about what is expressed in that letter. I could not say anything else than that conscientiously or honestly because I do not know anything else. I do not know that I, personally, have ever had any trouble with Mr. Bentley—I never did.

Senator CURTIS. I will ask you to state to the committee about his taking care of the Indians when they had the smallpox.

Mr. MEADE. I met Mr. Bentley years ago on the Rock Island train; it was when the first smallpox scare came up here. Is that what you mean?

Senator CURTIS. Yes.

Mr. MEADE. Mr. Bentley got on the train with a blanket under his arm and said he was going down to McLeod or Harrah to look after the Kickapoos, and the question was asked if he understood they had the smallpox.

Senator CURTIS. He was not running away from them, was he?

Mr. MEADE. No, sir; he was going down to them. The reason I remember that is because at that time the smallpox had broken out here, and we were all very much alarmed and stirred up about it and we discussed it. I think we were going over to Oklahoma City. We spoke about his going down among the Indians. We understood at that time that the agent did the same thing at the Sac and Fox Agency. It was especially noticeable because we all felt alarmed about the smallpox.

The CHAIRMAN. I want to read from this letter which you signed in connection with others. This is what you say in a letter dated at Shawnee, Okla., February 13, 1902: "Mr. Bentley's administration has been satisfactory to the honest white people of this Territory and, we believe, to the Indians. It has long been a matter of public comment that Mr. Bentley was the most diligent, honest, and efficient agent, and that his administration had been a success, and that the Indians under his charge were rapidly becoming civilized, self-supporting, clean, decent, and reputable citizens, and we welcome this opportunity of expressing to you the high esteem in which we hold Mr. Bentley as a moral, honest, reputable citizen." You signed that, did you?

Mr. MEADE (after examining paper). It seems that my name is there; I have no recollection of signing it, but I would not say that I did not. This is dated February 13, 1902. If you will notice, a good many of us signed at that time.

The CHAIRMAN. Is that paper signed by what were then representative business men in this community?

Mr. MEADE. Yes, sir; J. H. Maxey was a prominent citizen here, and Willard Johnston is a prominent citizen, C. J. Benson and F. B. Reed; they are all prominent people. Their names sound pretty good, leaving out my own.

The CHAIRMAN. You were considered rather reputable, were you not?

Mr. MEADE. I would pass with the rest of them.

The witness was thereupon excused.

H. T. DOUGLAS, having been first duly sworn, testified as follows:

Senator CURTIS. Where do you live?

Mr. DOUGLAS. Shawnee.

Senator CURTIS. How long have you lived there?

Mr. DOUGLAS. About eight years.

Senator CURTIS. What is your business?

Mr. DOUGLAS. I am in the banking business; I am with the Shawnee National Bank.

Senator CURTIS. How long have you been connected with that bank?

Mr. DOUGLAS. Eight or nine years.

Senator CURTIS. State to the committee if you know that band of Indians known as the Kicking Kickapoos, or Mexican Kickapoos.

Mr. DOUGLAS. Yes, sir; I think I do. I know the Indians here that we call the Kickapoos, situated west of the town.

Senator CURTIS. Are you acquainted with many of the members of the tribe?

Mr. DOUGLAS. No, sir; not more than two or three of them.

Senator CURTIS. Do you know anything about any of them going to Mexico?

Mr. DOUGLAS. No, sir.

Senator CURTIS. Did you hear anything about their going?

Mr. DOUGLAS. Yes, sir.

Senator CURTIS. Who did you hear it from?

Mr. DOUGLAS. I could not say; it was talked of on the street.

Senator CURTIS. Did you ever talk to Mr. Bentley about their going to Mexico?

Mr. DOUGLAS. No, sir.

Senator CURTIS. Did you ever talk with any of the Indians about their going to Mexico?

Mr. DOUGLAS. No, sir.

Senator CURTIS. Was it ever suggested to you by Mr. Bentley or anybody else that Mr. Bentley was inducing them to go to Mexico?

Mr. DOUGLAS. Not directly; I have heard that rumored.

Senator CURTIS. Do you remember who you heard speak of it?

Mr. DOUGLAS. I could not say.

Senator CURTIS. When was that?

Mr. DOUGLAS. Probably a year or two ago—between one and two years ago.

Senator CURTIS. Did you hear at the same time that some other gentleman was trying to get Indians to go to Mexico?

Mr. DOUGLAS. Yes, sir.

Senator CURTIS. Who were they?

Mr. DOUGLAS. I have heard Mr. Brown mentioned and Mr. Grimes; I do not know of anyone else.

Senator CURTIS. Were you interested directly or indirectly with any of the parties who went to Mexico to buy this land?

Mr. DOUGLAS. No, sir.

Senator CURTIS. Or any of the parties connected with your bank?

Mr. DOUGLAS. No, sir.

Senator CURTIS. Were you approached by anyone to buy this Kickapoo land?

Mr. DOUGLAS. I was approached on one occasion by Mr. Garrett and asked to make a loan or furnish money to buy land of the Kickapoo Indians.

Senator CURTIS. Do you mean Mr. John Garrett?

Mr. DOUGLAS. Yes, sir.

Senator CURTIS. Did you loan him any money?

Mr. DOUGLAS. No, sir.

Senator CURTIS. Did you take any part in it?

Mr. DOUGLAS. No, sir.

Senator CURTIS. What did he say to you about buying land down there?

Mr. DOUGLAS. He said it was probable that we could make some money out of it.

Senator CURTIS. Did he tell you how cheaply it could be purchased?

Mr. DOUGLAS. No, sir.

Senator CURTIS. It did not appeal to you, did it?

Mr. DOUGLAS. No, sir; the conversation did not go that far.

Senator CURTIS. Do you know anything about Mr. Benson and these other gentlemen being in it?

Mr. DOUGLAS. No, sir; except from hearsay.

Senator CURTIS. Did you ever talk to any of them after they came back?

Mr. DOUGLAS. No, sir.

Senator CURTIS. Did you hear any of them talk about what they had done down there?

Mr. DOUGLAS. No, sir; I did not take any interest in it, and I did not want any interest in it.

Senator CURTIS. Then as far as this matter is concerned, you know nothing about it?

Mr. DOUGLAS. Nothing; no, sir—except talk.

The CHAIRMAN. Your bank has never done any business in the matter of buying this Indian land, has it?

Mr. DOUGLAS. No, sir.

Mr. EMBRY. What bank is it?

Mr. DOUGLAS. The Shawnee National.

Mr. EMBRY. Have these Indians been depositing any moneys with you?

Mr. DOUGLAS. I do not think we have any money deposited by any Kickapoo, except through the regular agent, for several years, perhaps two or three.

Mr. EMBRY. Has Mr. Thackery deposited moneys with you?

Mr. DOUGLAS. Yes, sir.

Mr. EMBRY. For what Indians?



Mr. DOUGLAS. I could not tell you: I never tried to remember their names, and would not know any of them.

Mr. EMBRY. Has Mr. Bentley ever had any business at your bank with regard to Indian matters?

Mr. DOUGLAS. No, sir; not for a number of years, perhaps six or seven years. If he has had I do not know it. I do not think he ever did.

The witness was thereupon excused.

GEORGE F. GRAHAM, having been first duly sworn, testified as follows:

Senator CURTIS. What is your name?

Mr. GRAHAM. George F. Graham.

Senator CURTIS. Where do you live?

Mr. GRAHAM. I live across the river, about 2 miles south.

Senator CURTIS. What is your business?

Mr. GRAHAM. I am a merchant.

Senator CURTIS. Are you what is known as an Indian trader?

Mr. GRAHAM. I trade with the Indians and also the whites. I have a store over there.

Senator CURTIS. How many other stores are there in that neighborhood?

Mr. GRAHAM. None.

Senator CURTIS. You have the only store in the vicinity of the agency?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. How long have you been an Indian trader?

Mr. GRAHAM. I think it has been five years.

Senator CURTIS. Do you know the band of Indians known as the Kicking Kickapoos?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. Do you remember their going to Mexico?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. Did you at any time go down to Mexico for the purpose of buying any lands of them?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. Who did you take with you?

Mr. GRAHAM. I did not take anyone.

Senator CURTIS. Did you have any dealings with Mr. Joseph Clark down there?

Mr. GRAHAM. Mr. Clark and I talked about the matter down there.

Senator CURTIS. Why did you not buy land down there?

Mr. GRAHAM. Well, there were several buyers down there and I had some collections to make; I wanted to make my collections whether I bought any land or not, and I did not see that I could make them if I got mixed up in the fight on the land.

Senator CURTIS. Did you go to Muzquiz?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. Please state to the committee who you saw down there buying land—everybody you saw?

Mr. GRAHAM. I saw Grimes, Johnson, and Brown. I did not see them buying land either, all of them. I saw some at Eagle Pass; also Mr. Bentley.

Senator CURTIS. Who did you see over at Muzquiz?

Mr. GRAHAM. I saw Mr. Brown. Mr. Field, Mr. Bentley, Mr. Grimes, and Mr. Cal Moore, I believe.

Senator CURTIS. How long did you stay at Muzquiz?

Mr. GRAHAM. I think I was there for three days when I first went down and then I went back to Eagle Pass.

Senator CURTIS. What other men from this country did you meet down there who were buying land?

Mr. GRAHAM. Mr. Outcalt and Mr. Thackery.

Senator CURTIS. Did those gentlemen state to you what their business was there?

Mr. GRAHAM. They did not.

Senator CURTIS. Neither of them?

Mr. GRAHAM. No, sir.

Senator CURTIS. Did you visit Mr. Outcalt's room while you were there?

Mr. GRAHAM. I think I was in his room.

Senator CURTIS. How many times?

Mr. GRAHAM. I think I went in his room one evening and he and I went out to the lake.

Senator CURTIS. Out by the Indian camp?

Mr. GRAHAM. No, sir; it was the other way.

Senator CURTIS. Did you talk with him there about his business?

Mr. GRAHAM. No, sir; I did not.

Senator CURTIS. What was the condition of the Indians as you saw them out at the camp?

Mr. GRAHAM. I was in and out of the camp.

Senator CURTIS. In whose charge did you see the Indians over at Eagle Pass while you were there and where were they kept?

Mr. GRAHAM. I saw some Indians at Eagle Pass; they were camped up in a wagon yard. They were not particularly in anyone's charge.

Senator CURTIS. Whose camp was it, Mr. Grimes's or Mr. Bentley's camp?

Mr. GRAHAM. It was Grimes's camp.

Senator CURTIS. Was not that wagon yard known as Grimes's camp?

Mr. GRAHAM. I do not know about that; I know the Indians were there.

Senator CURTIS. They were at what was known as the Grimes camp. How long did you see them there?

Mr. GRAHAM. Off and on for several days.

Senator CURTIS. What was their condition?

Mr. GRAHAM. I do not know; I was up at the wagon yard a time or two.

Senator CURTIS. Had they been drinking?

Mr. GRAHAM. I saw some of them who had.

Senator CURTIS. Did you see a bucket of beer in there?

Mr. GRAHAM. No, sir; I was not at the wagon yard but once or twice.

Senator CURTIS. You do not know whether they kept a bucket of beer and whisky and mescal in there or not for them?

Mr. GRAHAM. No, sir.

Senator CURTIS. You say you did see some in that yard drinking?

Mr. GRAHAM. No, sir; they were down town drinking.

Senator CURTIS. How many did you see?

Mr. GRAHAM. I remember seeing one or two.

Senator CURTIS. Who was it that you saw?

Mr. GRAHAM. John Snake was one that I saw drinking.

Senator CURTIS. Who else?

Mr. GRAHAM. Wah-pe-ke-che.

Senator CURTIS. Who else?

Mr. GRAHAM. I do not remember; I did not pay any attention to them.

Senator CURTIS. Did you see Mack Johnson there?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. Was he drinking or not?

Mr. GRAHAM. I saw Mack a time or two and thought he was drinking some; I would not swear to it: I never saw him drink.

Senator CURTIS. Did you see the Murdocks there?

Mr. GRAHAM. Yes, sir; I saw Willie Murdock when he was drinking.

Senator CURTIS. Did you see the other Murdock there?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. Was he drinking?

Mr. GRAHAM. I did not see him when he was drinking.

Senator CURTIS. Some telegrams passed between you and Joe Clark, did they not?

Mr. GRAHAM. I think so.

Senator CURTIS. Did Joe Clark hire you to look out for some Indians?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. Did he wire you to wire Thackery for numbers, or to get numbers from Thackery?

Mr. GRAHAM. I do not remember what the telegram was. He wired me, I remember, about some Indians that were coming.

Senator CURTIS. Did he not wire you about Pecan and Charlie White?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. Did you buy their land or try to?

Mr. GRAHAM. I do not know, sir.

Senator CURTIS. You wrote a letter to Clark. Do you know what you told him about buying land there?

Mr. GRAHAM. I do not remember what I wrote. I told him when I saw him that I did not see any place that I could buy.

Senator CURTIS. You wired him to this effect on July 3, 1906: "Since writing, arranged to stay. Bring or send any you can sign. Wire me prospects, care of Maverick. Write me full details of land."

Mr. GRAHAM. Yes, sir.

Senator CURTIS. You referred there to somebody being sick. Did you refer in that message to anybody being sick?

Mr. GRAHAM. I do not know.

Senator CURTIS. I left out three words in this telegram because I could not make them out. You do not remember that?

Mr. GRAHAM. No, sir.

Senator CURTIS. Was anybody sick there?

Mr. GRAHAM. Oh, yes, sir; there was an attorney very sick there.

Senator CURTIS. He is probably the man you referred to then?

Mr. GRAHAM. I do not remember that, either.

Senator CURTIS. There is some name here, sick. Then you say, "Write me full details of land." I can not make out the name. Now, why did you telegraph after you sent that dispatch to Mr. Clark?

Mr. GRAHAM. There was quite a fight on there between Mr. Bentley and Mr. Grimes, and the Indians came out with either one or the other of them, and I had money from Mr. Charles and Mr. Patrick to buy land there, and they wired me to do as I thought best.

Senator CURTIS. And your judgment was to buy land?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. The truth of it is that you did not like the way the Indians were being treated, did you?

Mr. GRAHAM. Well, I did not want to buy any land, and I did not buy any.

Senator CURTIS. Those Indians were in such a condition that you would not buy the land as a business proposition, and did not buy it?

Mr. GRAHAM. I did not buy it.

Senator CURTIS. You were getting a great deal of information from Washington about these matters, were you not?

Mr. GRAHAM. I got some.

Senator CURTIS. Tell us the name of the person that you received messages from, who signs his name "H. Benton" sometimes.

Mr. GRAHAM. He is a friend of mine in Washington.

Senator CURTIS. What does he do?

Mr. GRAHAM. He is a clerk, I think.

Senator CURTIS. In the Indian Office?

Mr. GRAHAM. I do not think so.

Senator CURTIS. What office is he in?

Mr. GRAHAM. He is in the office of Solicitor of the Treasury.

Senator CURTIS. You have a kind of secret code with him, have you not?

Mr. GRAHAM. No, sir; we have no secret code.

Senator CURTIS. Are you sure about that?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. Sometimes he signs his name N. Benton, and sometimes W. Benton?

Mr. GRAHAM. Probably the operator makes a mistake.

Senator CURTIS. You always know who it is, do you not?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. What understanding have you with him that he shall keep you posted about the issuance of patents, and so and so is all right, whether things are right or wrong?

Mr. GRAHAM. Nothing, except that I wrote him about two or three patents, to see if he could get me the information, and he wrote me and told me that there was an attorney there who he thought would furnish me the information.

Senator CURTIS. Who was that attorney?

Mr. GRAHAM. I do not know; he did not say.

Senator CURTIS. Instead of the attorney writing you he wired you. The attorney I suppose furnishes him the information and he wired it to you?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. And you always know what he refers to?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. How many years have you been an Indian trader?

Mr. GRAHAM. I have been a clerk in an Indian store up at the Sac and Fox.

Senator CURTIS. I mean the one here.

Mr. GRAHAM. Five years.

Senator CURTIS. When was it that you first heard of the Indians going to Mexico?

Mr. GRAHAM. Three or four years ago.

Senator CURTIS. Before we get to that, I want to know if any of those telegrams you have received from Mr. H. Benton or Mr. W. Benton or Mr. N. Benton referred to any land you were going to buy from which restrictions had been removed?

Mr. GRAHAM. I do not think so.

Senator CURTIS. Were those dispatches usually about Indian titles or Indian moneys, or what?

Mr. GRAHAM. No, sir; just after the patent was issued.

Senator CURTIS. You wired to be telegraphed when the patent was issued?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. Was that because you wanted to buy land or wanted to find out about the patent?

Mr. GRAHAM. I wanted to find out about it.

Senator CURTIS. Those Indians ran pretty large accounts over there, did they not?

Mr. GRAHAM. Some of them did.

Senator CURTIS. What is the amount of profit in your store; what do you expect to make off the Indian accounts?

Mr. GRAHAM. Fifty per cent.

Senator CURTIS. You do not mean that you want to make 50 per cent, do you?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. Less profit?

Mr. GRAHAM. No, sir; there are lots of my accounts that I do not collect.

Senator CURTIS. Then you put 50 per cent onto the fellows that do pay? Do not the regulations prevent you from charging over 10 per cent advance?

Mr. GRAHAM. I do not know that they do.

Senator CURTIS. Are you a licensed trader?

Mr. GRAHAM. No, sir; I am on my own land.

Senator CURTIS. You have a store of your own?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. I beg your pardon; how far are you from the reservation?

Mr. GRAHAM. About a quarter of a mile.

Senator CURTIS. You charge 50 per cent?

Mr. GRAHAM. On some things I do and on some I do not.

The CHAIRMAN. Is that your average?

Mr. GRAHAM. No, sir.

Senator CURTIS. Do you know anything about those Indians going to Mexico?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. What do you know about them?

Mr. GRAHAM. I do not know anything about it, except they went.

Senator CURTIS. Do you know anything about their having been induced to go by anybody?

Mr. GRAHAM. No, sir; I do not know anything particular about it.

Senator CURTIS. Do you know anything about Mr. Bentley's having induced them to go?

Mr. GRAHAM. Nothing but what I have heard.

Senator CURTIS. Who have you heard it from and what have you heard?

Mr. GRAHAM. I have heard it from different people.

Senator CURTIS. What did Mr. Bentley say to you about it?

Mr. GRAHAM. He did not say anything to me about it.

Senator CURTIS. Have you talked with the Indians about it?

Mr. GRAHAM. I have talked with some of them.

Senator CURTIS. What did they say?

Mr. GRAHAM. They said that there were some people who wanted them to go to Mexico; some of them said Mr. Bentley and some said Mr. Grimes.

Senator CURTIS. Can you give us the names of any number of Indians who told you that Bentley was trying to get them to go to Mexico; do you remember anyone in particular?

Mr. GRAHAM. No, sir; I just heard them talking around the store.

Senator CURTIS. Who told you that Bentley was trying to get them to go?

Mr. GRAHAM. Different people.

Senator CURTIS. When did you hear those conversations?

Mr. GRAHAM. The only time I remember of having heard them say it was in my collection over there (Mr. Bentley and I had some trouble over the collection), and after they came back a fellow came to me and told me if it had not been that Mr. Bentley tried to get him to go he would not have tried to get away from my collection.

Senator CURTIS. He went away from your collection, did he?

Mr. GRAHAM. Yes, sir; but he came back and paid me.

The CHAIRMAN. When you speak of collections you mean there was trouble in collecting a debt?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. And he told you when he got back that the reason he left was because Bentley asked him to go?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. Was that the only Indian you know of?

Mr. GRAHAM. That was the only one we had a controversy over.

Senator CURTIS. Who told you that Grimes, Chapman, and Brown were trying to get them to go?

Mr. GRAHAM. I heard different Indians saying that, different people. I did not make any particular inquiry. I asked who, and they said these people.

Senator CURTIS. Do you mean Grimes and Moore and Brown?

Mr. GRAHAM. Some said that Grimes had.

Senator CURTIS. And some said that Brown had, did they?

Mr. GRAHAM. No, sir.

Senator CURTIS. Or Chapman?

Mr. GRAHAM. No, sir.

Senator CURTIS. Or Cal. Moore?

Mr. GRAHAM. I do not remember about him.

Senator CURTIS. Tony Alexander?

Mr. GRAHAM. No, sir; I never heard that.

Senator CURTIS. Do you remember who told you that Grimes was trying to get them to go down there?

Mr. GRAHAM. No, sir.

Senator CURTIS. Do you know this Indian girl, Py-o-kah, Millie Stevens?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. Did you talk with her about it?

Mr. GRAHAM. She told me that she had made Grimes a deed.

Senator CURTIS. Did she tell you how she had made it?

Mr. GRAHAM. No, sir; she did not tell me anything about it.

Senator CURTIS. Did she tell you that Grimes had tried to take her to Mexico?

Mr. GRAHAM. She said she intended to go, but she changed her mind; she intended to go to Mexico.

Senator CURTIS. She told you she had made a deed here, did she?

Mr. GRAHAM. Yes, sir; I think so.

Senator CURTIS. Did she tell you that Grimes had bought a ticket for her?

Mr. GRAHAM. She did not.

Senator CURTIS. Did she tell you why she had changed her mind?

Mr. GRAHAM. She did not.

Senator CURTIS. Do you know Peah-twy-a-tuck?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. Did Mr. Bentley ever come to you about him?

Mr. GRAHAM. Yes, sir; I think he did.

Senator CURTIS. What was that for; did he not come to you to make a loan so that he (Peah-twy-a-tuck) could go to Mexico and get his wife?

Mr. GRAHAM. Yes, sir; I believe he did.

Senator CURTIS. Did you make the loan?

Mr. GRAHAM. I would not be sure; my books will show.

The CHAIRMAN. You have stated that you aim to make 50 per cent on the Indians. Do you want to make any explanation in regard to that?

Mr. GRAHAM. Well, there are some things, like robes and blankets and things of that kind that we make 50 per cent on; on groceries and meats and things of that kind we do not make over 20 per cent. We make an average of 35 per cent or, at the outside, 40 per cent.

The CHAIRMAN. That is your intention?

Mr. GRAHAM. Yes, sir.

The CHAIRMAN. You only make 20 per cent on some things. You think that is pretty small?

Mr. GRAHAM. On coffee and sugar, and things of that kind, we aim to make between 35 and 40 per cent all around; that is, on an average. Some things, like blankets, we make 50 per cent on.

The CHAIRMAN. What other things do you include?

Mr. GRAHAM. Blankets and shoes.

The CHAIRMAN. And clothing?

Mr. GRAHAM. Yes, sir.

The CHAIRMAN. What else?

Mr. GRAHAM. That is all.

The CHAIRMAN. And on those you make 50 per cent?

Mr. GRAHAM. Yes, sir.

The CHAIRMAN. Is that your regular charge?

Mr. GRAHAM. Yes, sir.

The CHAIRMAN. What Indians of the tribe trade at your store?

Mr. GRAHAM. Some Kickapoos and some Shawnees.

The CHAIRMAN. Any others?

Mr. GRAHAM. And some Pottawatomies, but not many.

The CHAIRMAN. About how many Indians do their trading at your store in a year? How many do you have on your books?

Mr. GRAHAM. I could not tell you without looking, but I suppose possibly 75.

The CHAIRMAN. You think you have 75 accounts?

Mr. GRAHAM. Yes, sir.

The CHAIRMAN. Do you not have more than that?

Mr. GRAHAM. Yes, sir; I suppose I have 100. I can tell you in a few minutes after looking at my books.

The CHAIRMAN. Have you your books here?

Mr. GRAHAM. No, sir.

The CHAIRMAN. You can tell when you get them, you mean?

Mr. GRAHAM. Yes, sir; I have from 75 to 100. It would not run over that.

The CHAIRMAN. What amount of business do you do in your store?

Mr. GRAHAM. Probably \$10,000 or \$12,000 a year.

The CHAIRMAN. Do you loan money to the Indians?

Mr. GRAHAM. Sometimes; yes, sir.

The CHAIRMAN. What security do you take?

Mr. GRAHAM. Sometimes I do not have any. Where they have security I sometimes take mortgages.

The CHAIRMAN. What on?

Mr. GRAHAM. On the stock that they have.

The CHAIRMAN. What interest do you charge?

Mr. GRAHAM. I charge them different rates. Sometimes, if they just borrow \$5 for a month, I charge them 50 cents a month where it only runs for a week or two. Where it runs longer I do not charge them so much a month.

The CHAIRMAN. You charge them 50 cents for a month? Do they borrow \$200 or \$300 sometimes?

Mr. GRAHAM. No, sir.

The CHAIRMAN. About what is the largest amount that they borrow?

Mr. GRAHAM. From \$25 to \$50. I have loaned that much.

The CHAIRMAN. Then when they borrow it for a longer time you do not charge them so much, you say?

Mr. GRAHAM. No, sir.

The CHAIRMAN. Just give us about what you charge.

Mr. GRAHAM. It depends upon the length of time that he borrows it for.

The CHAIRMAN. Suppose he borrows it for a month?

Mr. GRAHAM. If he borrows \$25 for a month, we usually charge him \$2.50 interest.

The CHAIRMAN. If he borrows \$25 for five months, what do you charge him?

Mr. GRAHAM. I charge him about \$7.50 interest, making it \$32.50.

The CHAIRMAN. Suppose it was a year, what do you charge?



Mr. GRAHAM. It is just the same; whatever I tell them it is going to be it is that amount, whether it runs five years. If he does not pay it at the given time, it is just the same when he comes to pay it.

The CHAIRMAN. Who do you depend upon getting your money from?

Mr. GRAHAM. From the Indians.

The CHAIRMAN. Are they honest?

Mr. GRAHAM. Most of them are, but some do not pay me.

The CHAIRMAN. As a rule, you make collections from the Indians, do you?

Mr. GRAHAM. Yes, sir.

The CHAIRMAN. What is your relation with the agency about collecting these accounts?

Mr. GRAHAM. None at all; but I have collected some accounts through the Department.

The CHAIRMAN. How often have you submitted these accounts to the Department?

Mr. GRAHAM. A very few times. Some time ago a ruling was made by the Department with regard to the payment of these accounts—that they should be submitted to the Department.

The CHAIRMAN. How long has that been in operation; do you know?

Mr. GRAHAM. I do not remember. I have also been collecting them on their lease moneys.

The CHAIRMAN. How do you collect them on lease money; who pays the lease money?

Mr. GRAHAM. The agent here. When the agent is about to pay lease money I get my books together and drive up there.

The CHAIRMAN. Drive up where, to the agency?

Mr. GRAHAM. No, sir; I go to the public highway there.

The CHAIRMAN. Then you stand outside and when the Indians come out you ask them for the money; is that it?

Mr. GRAHAM. Yes, sir; they usually come up and pay me.

The CHAIRMAN. When they were selling land, and when you had accounts, how did you collect them?

Mr. GRAHAM. I collected from the Indians; that is the reason I have not been sending anything in, because I was closing my credits down.

The CHAIRMAN. You are not doing as big a business as you used to do, are you?

Mr. GRAHAM. No, sir; I could do a good business, but I have been closing it down. I have a business at Craig and have been figuring on going there.

The CHAIRMAN. Where is that?

Mr. GRAHAM. It is 24 miles northeast of here.

The CHAIRMAN. Is that an Indian settlement?

Mr. GRAHAM. No, sir.

The CHAIRMAN. What business have you up there?

Mr. GRAHAM. General mercantile business.

The CHAIRMAN. You are thinking of closing out here, are you?

Mr. GRAHAM. I am not thinking of it; I am going to do it. That is the reason I have not been making many accounts. I am closing them out.

The CHAIRMAN. Have you any bills now standing against the Indians?

Mr. GRAHAM. Yes, sir; some of them.

The CHAIRMAN. Are they of long standing?

Mr. GRAHAM. Some of them are of quite long standing. Some are Indians who are over in Mexico and have been there for some time.

The CHAIRMAN. Have you any objection to bringing your books here and showing us some of the charges you make? It would be, perhaps, easier for you to do that than to copy them.

Mr. GRAHAM. I will do that; yes, sir.

The CHAIRMAN. You can just bring them to-morrow.

Mr. GRAHAM. You just want a few short accounts; very well.

The CHAIRMAN. You say you are not doing any deed business?

Mr. GRAHAM. Very little.

The CHAIRMAN. If you had a large account against the Indians you would be watching that, would you not, and you would keep in touch with the Department enough to know when the deed money was coming, I presume?

Mr. GRAHAM. No, sir; I depended on the Indians to tell me.

The CHAIRMAN. Will the Indians tell you?

Mr. GRAHAM. They do come and tell me.

The CHAIRMAN. Have you ever done much business in a settlement where there are no Indians?

Mr. GRAHAM. No, sir.

The CHAIRMAN. How does the business compare as to collections in an Indian neighborhood and an outside one?

Mr. GRAHAM. Well, I have expressed myself a good many times as wishing that I had never entered into the Indian business. I prefer to do business with white people and believe I would have made more money if I had always done so.

The CHAIRMAN. White people buy more things than the Indians—they have more money?

Mr. GRAHAM. Yes, sir.

The CHAIRMAN. I do not mean the bulk of your trade, but I want to know whether it is as satisfactory to trust the Indian as it is the average white man?

Mr. GRAHAM. I have not had a very great deal of trouble with the Indians where they stay and come and trade with me right along.

The CHAIRMAN. Most of them are pretty steady, are they not?

Mr. GRAHAM. Yes, sir.

The CHAIRMAN. You are in the Shawnee neighborhood, are you not?

Mr. GRAHAM. Yes, sir.

The CHAIRMAN. How many Shawnees are there in the neighborhood?

Mr. GRAHAM. There are no Shawnees right near; they live around me. Some live east of me 4 or 5 miles and some south 10 or 12 miles.

The CHAIRMAN. About what is that population?

Mr. GRAHAM. I do not know how many Shawnee Indians there are.

The CHAIRMAN. Well, are there two or three hundred, or one hundred?

Mr. GRAHAM. I expect there are 300, if not more; not that many trade with me.

The CHAIRMAN. Are they living on their own land as a rule?

Mr. GRAHAM. Yes, sir; a good many of them that I do business with here.

The CHAIRMAN. That is the class you prefer to do business with?

Mr. GRAHAM. Yes, sir.

The CHAIRMAN. How many of those Indians, or what proportion of the Indians who are allowed to sell their land, will sell all of it practically; is it not a fact that when the restrictions are removed, they all sell when they get a chance?

Mr. GRAHAM. Yes, sir; most of them.

The CHAIRMAN. Is it not a fact that an Indian does not have the same idea of holding land that the American has; he does not care much about it?

Mr. GRAHAM. Yes, sir; that is a fact.

The CHAIRMAN. Can you give any idea of what number of Indians over there have sold their lands; I mean what per cent?

Mr. GRAHAM. No, sir; I could not

The CHAIRMAN. Do you not know that a pretty large percentage of all the Indians whose restrictions have been removed in the last four or five years have sold their lands?

Mr. GRAHAM. I think they have.

The CHAIRMAN. Is it not a fact also that most of them have wasted that money; that is, they have spent it in some way?

Mr. GRAHAM. There are quite a number who have built houses.

The CHAIRMAN. That is where they have reopened some land?

Mr. GRAHAM. Yes, sir.

The CHAIRMAN. But they have sold all their land; is not that a fact?

Mr. GRAHAM. I do not know many of them who have sold all their land.

The CHAIRMAN. Is it not a fact that most of them live it up and buy things that are useless?

Mr. GRAHAM. They buy things to live on, and teams and wagons and things of that kind.

The CHAIRMAN. They buy lots of things that they do not need, do they not?

Mr. GRAHAM. I expect they do; lots of things that they could probably get along without.

The CHAIRMAN. Do you think it wise after your experience with the Indians to allow them to sell all the land they have got; looking to the good of the Indians, I mean. I do not ask you what you white people here want to do; but if you were caring for the Indians, would you say it was a proper thing to allow them to sell their lands?

Mr. GRAHAM. No, sir; I think they ought to be made to keep some of it.

The CHAIRMAN. How much is necessary down here for an Indian to make a decent living, or a white man, either?

Mr. GRAHAM. Where there are different members of the family, if one sells land to improve the land of another that is all right.

The CHAIRMAN. But do they always do that?

Mr. GRAHAM. I do not know that they do.

The CHAIRMAN. But some of them do?

Mr. GRAHAM. Yes, sir.

The CHAIRMAN. Perhaps you noticed in the morning papers that it was stated that the Secretary of the Interior is about to recommend the removal of the restrictions down there?

Mr. GRAHAM. I did not notice it.

The CHAIRMAN. Would you say, knowing the Indian's method of living, that would be a wise thing to do, just let them sell and take the money?

Mr. GRAHAM. No, sir; I think they should be made to keep a homestead, something to work on and live on.

The CHAIRMAN. You do not answer my question. I want to know how much a homestead ought to be?

Mr. GRAHAM. If a man has a large family, it ought to be more than a small family.

The CHAIRMAN. Take the average family; suppose he has a family of 5 or 6 children?

Mr. GRAHAM. He ought to have at least 80 acres, I think, for them all to work; he ought to take that much for a family that large.

The CHAIRMAN. You would not think it wise to take less than 80 acres for a homestead?

Mr. GRAHAM. They might possibly get along on 40.

The CHAIRMAN. But it would have to be good land for 40 acres to support a family?

Mr. GRAHAM. Yes, sir.

Mr. BENTLEY. Do you recall about the time that Pea-twy-tuck left here last December?

Mr. GRAHAM. Yes, sir.

Mr. BENTLEY. Did you hear any conversation at about that time between myself and other Indians here, Pea-twy-tuck being among them, in which it was stated that parties were trying to induce them to go to Mexico when the matter was discussed between them and me?

Mr. GRAHAM. I declare I do not remember.

Mr. BENTLEY. From your conversation with me at that time were you under the impression that I was trying to prevent them from going, or trying to induce them to go?

Mr. GRAHAM. I do not remember what our conversation was.

Mr. BENTLEY. Do you recall the instance of Pea-twy-tuck wanting to borrow money?

Mr. GRAHAM. Yes, sir.

Mr. BENTLEY. To refresh your memory, I will ask you if I did not state to you that his wife was down there in Mexico?

Mr. GRAHAM. Yes, sir.

Mr. BENTLEY. And about to be confined?

Mr. GRAHAM. Yes, sir; I remember about that.

Mr. BENTLEY. He was very anxious about it, and he would like to have you help him get some money and return her here.

Mr. GRAHAM. Yes, sir.

Mr. BENTLEY. He did not want to live in Mexico; he was a good boy, and he wanted to have you help him get some money?

Mr. GRAHAM. Yes, sir; I believe I let him have some money.

Mr. EMBRY. Is your trade over there principally Indian trade?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. And they are principally Kickapoo Indians, are they?

Mr. GRAHAM. No, sir; they are Kickapoos and Shawnees, but more Shawnees than Kickapoos.

Mr. EMBRY. About how many Kickapoos have traded with you during the past three or four years?

Mr. GRAHAM. Oh, in that time there had been quite a good many, but there are not many now—probably 25 or 30.

Mr. EMBRY. How far is your store from the agency office?

Mr. GRAHAM. About three-fourths of a mile.

Mr. EMBRY. How far is the agency office from Tecumseh, where there are other stores?

Mr. GRAHAM. About 2 or 3 miles.

Mr. EMBRY. How long have you been here at the agency?

Mr. GRAHAM. Between five and six years.

Mr. EMBRY. Where were you before you came here?

Mr. GRAHAM. At Arlington.

Mr. EMBRY. Who are interested with you here at this store?

Mr. GRAHAM. Conklin and Grimm at the Sac and Fox.

Mr. EMBRY. They have extensive trade among the Sac and Fox tribe, have they?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. Then the two stores are intimately connected—together?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. I understand that before the order was made requiring the agent to hold deed money you took your chances on collecting the account from the Indians?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. After the order was made that the Government should hold the deed money and pay the Indian only \$10 per month, that they supplemented that order with the further ruling that where the Indian was in debt to the trader he would submit his accounts for the approval of the Department and, if found fair, they would order their payment.

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. And that is what you mean when you say you have submitted accounts which have been allowed by the Department and

Mr. GRAHAM. That is what I mean.

Mr. EMBRY. Have you collected through the agency any other account than those that were allowed by the Department.

Mr. GRAHAM. None except those that I have taken to the probate court, and have been ordered paid, on which he was guardian.

Mr. EMBRY. The probate court ordered the payment?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. What is the rule of the agency as to collectors or traders going down there and collecting money on a lease payment?

Mr. GRAHAM. They are allowed to collect outside.

Mr. EMBRY. Out in the public road?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. Is it there where you have gone to collect?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. Did you go in the agency ground or about the agency office to collect?

Mr. GRAHAM. No, sir.

Mr. EMBRY. How long has that been the rule at this agency?

Mr. GRAHAM. It has been the rule at the agency ever since I have been here.

Mr. EMBRY. May any person to whom the Indians should be indebted come there and collect?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. Have you ever paid any commissions to any persons for collecting from these Kickapoo Indians?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. To whom?

Mr. GRAHAM. To Mr. Bentley.

Mr. EMBRY. How long have you been paying commissions to Mr. Bentley for collecting these accounts?

Mr. GRAHAM. I have been paying him commissions on those that were in Mexico since they went down there.

Mr. EMBRY. What has Mr. Bentley been charging you for collecting your store accounts from those Kickapoos in Mexico?

Mr. GRAHAM. Fifteen per cent.

Mr. EMBRY. He has been your regular collector of your bills against the Kickapoos in Mexico, has he?

Mr. GRAHAM. He has helped me collect some.

Mr. EMBRY. For how many years?

Mr. GRAHAM. I do not remember exactly, but my books will show. It has been about three years, I think, since I commenced paying him commissions.

Mr. EMBRY. And you have been sending your accounts for collection to the Border National Bank, at Eagle Pass?

Mr. GRAHAM. Some of them.

Mr. EMBRY. Is that by Mr. Bentley's direction?

Mr. GRAHAM. He told me to send the accounts there; yes, sir.

Mr. EMBRY. Can you say approximately how much commission you have paid Mr. Bentley in the last three years for collecting from those Kickapoos in Mexico?

Mr. GRAHAM. No, sir, I can not. I can tell exactly by looking at my books.

Mr. EMBRY. Will you figure up and see what commissions you have paid Bentley, or Bentley and Clark, for collections from the Kickapoos or Shawnees.

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. Did Mr. Bentley and Joe Clark ever have a partnership here of any kind?

Mr. GRAHAM. These commissions were to go to them.

Mr. EMBRY. You paid the commissions to them as a firm?

Mr. GRAHAM. Yes, sir; I think I paid the most to Mr. Bentley; Mr. Clark told me to pay Mr. Bentley.

Mr. EMBRY. But it was for the firm?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. I wish you would ascertain the amount of the commissions for collections paid either of them so as to be able to inform the committee in the morning. Please examine this check.

(Showing witness the following check:)

(No. 2824.)

CONKLIN, GRIMM & Co., U. S. Licensed Traders.

SAC AND FOX AGENCY, OKLA., February 27, 1904.

Pay to the order of M. J. Bentley four hundred forty and  $\frac{0}{100}$  dollars (\$440.00).

TO STROUD STATE BANK,  
Stroud, Okla.

CONKLIN, GRIMM & Co.,  
P. C. G.  
(Paid March 16, 1904.)

Mr. GRAHAM. Yes, sir; I have examined it.

Mr. EMBRY. Is that the firm at the Sac and Fox Agency with whom you are interested?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. Does that represent a payment made to Mr. Bentley?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. What for?

Mr. GRAHAM. For his assistance in getting a deed signed.

Mr. EMBRY. For what property?

Mr. GRAHAM. It is what is known as the Hoffman tract out here.

Mr. EMBRY. You paid it for his assistance in securing the signature of a Kickapoo Indian to a deed?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. That was when this Hoffman tract addition to this town was sold through the agency to the highest bidder under the rules of the Department?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. It is what is known as inherited Indian land, is it not?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. And Hoffman became the purchaser?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. And this Kickapoo who was an heir to that land resided in Mexico?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. And that was paid to Mr. Bentley in addition to the consideration that was paid?

Mr. GRAHAM. Yes, sir; for his services in inducing this Kickapoo Indian to sign the deed; for getting the deed signed for Mr. Hoffman.

Mr. EMBRY. What other commissions, if any, other than for collections, have you paid Mr. Bentley for his services with those Kickapoo Indians?

Mr. GRAHAM. I could not tell exactly the Indians that I paid him for collecting from without looking at my books.

Mr. EMBRY. Don't you know whether he has been paid other commissions or retainers for getting Kickapoo Indians to sign deeds to their lands?

Mr. GRAHAM. No, sir; I do not.

Mr. EMBRY. Mr. Graham, you say you went down there to buy this land?

Mr. GRAHAM. I thought I would buy some of it; yes, sir.

Mr. EMBRY. You saw L. C. Grimes there, did you?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. And W. L. Chapman?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. And R. C. Conine?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. Did you see Mr. Thackery there?

Mr. GRAHAM. I did.

Mr. EMBRY. At what place there did you first see Mr. Thackery?

Mr. GRAHAM. I saw him at Muzquiz when I first went down.

Mr. EMBRY. What was he doing at Muzquiz?

Mr. GRAHAM. I do not know his business there, or did not at the time; I heard afterwards that he was there for the purpose of making an investigation, or getting some evidence.

Mr. EMBRY. Did you have a conversation with him at Muzquiz?

Mr. GRAHAM. Yes, sir; just in a general way.

Mr. EMBRY. How many times did you see him at Eagle Pass?

Mr. GRAHAM. He was there for three weeks when I was there. I saw him every day. We boarded at the same hotel.

Mr. EMBRY. Did you see him frequently?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. You were quite familiar with what was going on in the land transaction, were you not?

Mr. GRAHAM. Well, I do not know that I was. I saw a good many Indians there and a good many of those white people.

Mr. EMBRY. You have been acquainted with the Indians a long time, have you not?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. And have been dealing with them?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. You know an Indian pretty well, do you not?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. Did you see Frank Thackery either at Muzquiz or at Eagle Pass doing anything that indicated that he was giving aid or encouragement to those land buyers, on the one side or the other?

Mr. GRAHAM. I did not.

Mr. EMBRY. Did you see George Outcalt down there?

Mr. GRAHAM. Yes, sir; at Muzquiz.

Mr. EMBRY. How many times did you see him there?

Mr. GRAHAM. Twice; I was there at Muzquiz three days when I first went down there.

Mr. EMBRY. What was he doing?

Mr. GRAHAM. I just saw him; I don't know what he was doing.

Mr. EMBRY. Did you see him at Eagle Pass?

Mr. GRAHAM. No, sir; I did not.

Mr. EMBRY. Did you have any conversation with Outcalt?

Mr. GRAHAM. No, sir; except in a general way.

Mr. EMBRY. Did you ascertain from him what he was doing there?

Mr. GRAHAM. No, sir.

Mr. EMBRY. How frequently did you meet him, if frequently?

Mr. GRAHAM. Every day when I was at Muzquiz. I did not stay at Muzquiz but three days.

Mr. EMBRY. During those three days, did you observe in Outcalt's conduct anything to indicate that he was giving aid or encouragement to either side in purchasing those lands?

Mr. GRAHAM. No, sir; I did not have any conversation with him, and there was nothing said to me concerning it.

Mr. EMBRY. Were you down at the Kickapoo camp at the time the Grimes people were there?

Mr. GRAHAM. I went down one day after the bill had passed.

Mr. EMBRY. Who were there?

Mr. GRAHAM. I went down to Muzquiz and drove up to the village with, I think, Grimes, and I am not certain who else went—Conine probably.



Mr. EMBRY. What occurred after you reached the camp?

Mr. GRAHAM. Well, I was not with the boys after reaching the camp. I went down to see some of the Indians relative to some accounts that I had and then went back. I did not hear any of their conversation with the Indians.

Mr. EMBRY. Did you not go with one of those parties out to the camp at any other time?

Mr. GRAHAM. No, sir; I was only at the camp that one time for possibly an hour and a half.

Mr. EMBRY. What was the occasion for your sending this telegram to Joe Clark?

Mr. GRAHAM. I was figuring on Joe getting some of those Indians to come up and I was going to buy some of their land.

Mr. EMBRY. Who was Joe associated with at that time in his project to get those Indians down there?

Mr. GRAHAM. I do not know about that. Joe and I had a talk after we went down there, and I told Joe I had some money at the Border National Bank, and if there were any Indians who wanted to sell their land, that he could make arrangements with me, to send them over.

Mr. EMBRY. Who was Joe cooperating with, if you observed?

Mr. GRAHAM. I did not observe. He was talking to me about helping me.

Mr. EMBRY. Did you have any conversation or arrangement with anyone before leaving here, prospective or concluded, with reference to the purchase of this land?

Mr. GRAHAM. No, sir.

Mr. EMBRY. Were you contemplating cooperating with anyone?

Mr. GRAHAM. No; I went down independently. Mr. Patrick phoned me to go down, and when I got there to see Mr. Bentley.

Mr. EMBRY. Mr. Patrick phoned you to see whom?

Mr. GRAHAM. Mr. Bentley. I went down and when I saw Mr. Bentley at Muzquiz he told me that he had understood before he got down there that there were several parties there to buy land, and I believe possibly he had wired Mr. Charles, and Mr. Charles had not met him, and that was the reason they sent me down. He said he thought if anyone outside was going to buy it, that I should buy it; he would as soon I should buy it as any of the rest of them.

Mr. EMBRY. What further was said about it?

Mr. GRAHAM. Nothing further.

Mr. EMBRY. Did you, at any time, have any conversation with Mr. Bentley about buying land?

Mr. GRAHAM. Not there; no, sir.

Mr. EMBRY. Did you have any conversation with Grimes about buying land?

Mr. GRAHAM. Well, just in a general way. Mr. Grimes asked me if I would go in and help them buy, and I declined the offer.

Mr. EMBRY. That was where?

Mr. GRAHAM. In Muzquiz; he asked me if I wanted to do it.

Mr. EMBRY. What other conversation, if any, had you with Grimes or any of his crowd, or with Mr. Bentley, about buying land in Mexico?

Mr. EMBRY. I do not remember of any while there.

Mr. EMBRY. Did you have any before going there?

Mr. GRAHAM. No, sir; I think not.

Mr. EMBRY. Now, how long did you stay down there?

Mr. GRAHAM. I was there five weeks.

Mr. EMBRY. And during all that time you were making collections?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. Did you pay commissions on your collections?

Mr. GRAHAM. No, sir.

Mr. EMBRY. Where did you make the collections?

Mr. GRAHAM. Well, when an Indian would sell his land I would follow him down to the bank, and when he got his money and came out I would ask for my money and he would pay me. That was both at the First National and the Border National Bank.

Mr. EMBRY. That was your business there and you remained there to make your collections?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. You were not there in July?

Mr. GRAHAM. I left there the 5th of July, I think.

Senator CURTIS. Then these collections that you made were on the first sales or deeds that were made in Eagle Pass?

Mr. GRAHAM. Yes, sir; I made some.

Senator CURTIS. For sales that were made at Eagle Pass—deeds signed in Eagle Pass?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. You were not down there when it was supposed the deeds were signed in Mexico in July?

Mr. GRAHAM. No, sir; I have not been back since I left in July.

Senator CURTIS. Why did you not go back to see Mr. Bentley if he said he would rather you had the land than any of those other people?

Mr. GRAHAM. The Indians were staying over there that he was controlling.

Senator CURTIS. Did not those Indians that he was controlling say that they wanted to exchange their land for land in Mexico and not sell it?

Mr. GRAHAM. I did not talk with them.

Senator CURTIS. Did not Mr. Bentley tell you that?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. That they wanted to trade it for land in Mexico?

Mr. GRAHAM. Yes, sir; that was his talk to me.

Senator CURTIS. And for that reason he did not want to help you get any deeds; is that not it?

Mr. GRAHAM. I suppose so.

Senator CURTIS. Those other people were claiming that if they sold to them they would put the cash in their hands?

Mr. GRAHAM. I did not talk with them.

Senator CURTIS. What did Grimes and Conine take out in their buggy on that occasion when you went with them?

Mr. GRAHAM. They did not take anything when I went with them.

Senator CURTIS. Did you see them take anything out at any other time?

Mr. GRAHAM. No, sir; I was not at Muzquiz.

The CHAIRMAN. You say you did not go with the boys out to the camp. Who did you refer to as "the boys?"

Mr. GRAHAM. I said I went out with Grimes and Conine.

The CHAIRMAN. Did you not say "I did not go once to the camp with the boys?"

Mr. GRAHAM. Mr. Embry asked me if I went out with any of them.

The CHAIRMAN. You said you did not go around with the boys. Who did you mean?

Mr. GRAHAM. I meant Grimes and Conine.

The CHAIRMAN. Grimes and his party you included in the term "boys?"

Mr. GRAHAM. Yes, sir.

Mr. BENTLEY. Now, Mr. Graham, is there any other Indian trader—that is, who could be referred to as an Indian trader—in the vicinity of this Shawnee Agency except yourself?

Mr. GRAHAM. No, sir.

Mr. BENTLEY. You are the person referred to when people talk about the Indian trader down here, are you?

Mr. GRAHAM. Yes, sir.

Mr. BENTLEY. Is it your understanding that the \$440 check that has been referred to in this record when paid to me resulted in the Indian getting anything less for his land?

Mr. GRAHAM. No, sir.

Mr. BENTLEY. Was that not also part of my compensation from Charles Hoffman & Co. to see that the proper heirs signed the deed?

Mr. GRAHAM. Well, I do not remember about that. I did not make the contract; Fill made it.

Mr. BENTLEY. You paid me, though?

Mr. GRAHAM. Yes, sir; Fill sent the check to me and I gave it to you.

Mr. BENTLEY. Do you recollect the amount of money that that tract brought to the Indian heirs, which was paid by Hoffman for the land in question?

Mr. GRAHAM. No, sir; I do not.

Mr. BENTLEY. Do you not remember approximately?

Mr. GRAHAM. I think it was sold for \$28,000; I do not remember.

Mr. BENTLEY. Now, you were at Eagle Pass about July 2 or 3 when the Indians were making some deeds to me at the Border National Bank, and to whom I made considerable payments of money?

Mr. GRAHAM. Yes, sir.

Mr. BENTLEY. You probably made some collections of those Indians?

Mr. GRAHAM. I think I made some of John Pecan.

Mr. BENTLEY. You did not attempt to pay me any commissions on those collections?

Mr. GRAHAM. I do not think so.

Mr. EMBRY. When was that understanding with Mr. Bentley about the Indians in Mexico closing their accounts?

Mr. GRAHAM. That was when they went down there. After we made the agreement that I was to pay him the commission he said he would help me make those collections; that those Indians were going to Mexico; that they contemplated leaving here, and to close the accounts and get them all straightened out he would make those collections for a commission of 15 per cent.

Mr. EMBRY. Did you ever pay him any commissions for collections that he made from the Indians here in Oklahoma?

Mr. GRAHAM. I think some; yes, sir. Collections were made here, I believe, on some accounts.

Mr. EMBRY. Of the Indians who live here in Oklahoma?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. As a matter of fact you paid him a commission on all the collections he made whether in Mexico or here, did you not?

Mr. GRAHAM. No, sir; not all of them.

Mr. EMBRY. What collections did he make that you did not pay him a commission on?

Mr. GRAHAM. I could not tell without looking at my books. I remember that there were some.

Mr. EMBRY. Do you remember the account of Quo-to-quah?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. That account was allowed by the Department, was it not?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. And still Mr. Bentley collected the commission from you, did he not?

Mr. GRAHAM. I do not remember; my checks will show.

Mr. EMBRY. I wish you would look them up and see.

Mr. BENTLEY. This matter of commission was a matter of two or three years ago. You have paid me nothing this year or last year, or probably the year before, have you?

Mr. GRAHAM. No, sir.

Mr. BENTLEY. It was during this transitory period of the Kickapoos that those commissions were paid; do you not remember that?

Mr. BENTLEY. I do not remember the dates. My checks will show. I think I paid most of it in checks.

The witness was thereupon excused.

J. C. CRISNEY, having been first duly sworn, testified as follows:

Senator CURTIS. What is your name?

Mr. CRISNEY. J. C. Crisney.

Senator CURTIS. Where do you live?

Mr. CRISNEY. Shawnee, Okla.

Senator CURTIS. How long have you lived in Shawnee?

Mr. CRISNEY. I have lived here about twelve years.

Senator CURTIS. What is your business?

Mr. CRISNEY. I am a merchant.

Senator CURTIS. How long have you been engaged in business in Shawnee?

Mr. CRISNEY. I think about twelve years.

Senator CURTIS. Do you know any of the Kicking Kickapoo Indians?

Mr. CRISNEY. Yes, sir.

Senator CURTIS. You have heard of the Mexican Kickapoos, have you not?

Mr. CRISNEY. Yes, sir.

Senator CURTIS. Have you had any dealings with them?

Mr. CRISNEY. Yes, sir.

Senator CURTIS. Did they trade generally at your store?

Mr. CRISNEY. Yes, sir.

Senator CURTIS. How long have they been trading there?

Mr. CRISNEY. They have been trading there about twelve years.

Senator CURTIS. Do you know Mr. Martin J. Bentley?

Mr. CRISNEY. Yes, sir; I know Mr. Bentley.

Senator CURTIS. How long have you known Mr. Bentley?

Mr. CRISNEY. About twelve years.

Senator CURTIS. I will ask you to state if you know about the Kicking Kickapoo Indians going to Mexico.

Mr. CRISNEY. Nothing more than I have heard.

Senator CURTIS. Did you talk to Mr. Bentley or anyone else about these Indians going there?

Mr. CRISNEY. I was not here at the time; I was away.

Senator CURTIS. Did you ever talk to Mr. Bentley about their going to Mexico?

Mr. CRISNEY. I may have talked to him sometime; I do not remember.

Senator CURTIS. Did you ever talk to anybody about those Indians going to Mexico?

Mr. CRISNEY. Not that I remember.

Senator CURTIS. While you were a merchant and while Mr. Bentley was agent how did you collect your accounts from the Indians?

Mr. CRISNEY. I have usually collected them myself, although Mr. Bentley has assisted me at times.

Senator CURTIS. Did you ever pay Mr. Bentley any commission for this service?

Mr. CRISNEY. No, sir.

Senator CURTIS. After his term expired as agent who helped you collect your accounts from them?

Mr. CRISNEY. We collected them ourselves.

Senator CURTIS. Did Mr. Bentley assist you?

Mr. CRISNEY. Not that I know of.

Senator CURTIS. Did you ever pay Mr. Bentley any money?

Mr. CRISNEY. No, sir.

Senator CURTIS. Do you know anything about the Indians selling their lands here in Oklahoma?

Mr. CRISNEY. Nothing more than hearsay.

Senator CURTIS. Were you interested directly or indirectly in the deals?

Mr. CRISNEY. No, sir; in no way.

The witness was thereupon excused.

W. W. IVES, having been first duly sworn, was examined and testified as follows:

Senator CURTIS. Where do you live?

Mr. IVES. In Shawnee.

Senator CURTIS. How long have you lived in Shawnee?

Mr. IVES. This last time I came here two years ago. I originally came here sixteen years ago.

Senator CURTIS. How long have you known Mr. Bentley?

Mr. IVES. About sixteen years.

Senator CURTIS. I will ask you to state to the committee if you know the band of Indians known as the Kicking Kickapoo Indians?

Mr. IVES. Yes, sir; I do.

Senator CURTIS. Do you know these Indians personally—any of them?

Mr. IVES. A good many of them.

Senator CURTIS. State to the committee if you secured any deeds from the Kickapoo Indians.

Mr. IVES. I have.

Senator CURTIS. Through whom?

Mr. IVES. Mr. Bentley.

Senator CURTIS. Did you get any of them in person?

Mr. IVES. I did not.

Senator CURTIS. Have you and Mr. Bentley any agreement as to the deeds?

Mr. IVES. I have.

Senator CURTIS. When did you enter into that agreement?

Mr. IVES. The agreement was talked over, I do not remember the first time, but a written agreement was entered into some one and a half years ago.

Senator CURTIS. Was that printed in the hearings before the committee in Washington?

Mr. IVES. I do not know.

Senator CURTIS. Have you a contract with Mr. Bentley?

Mr. IVES. I have.

Senator CURTIS. Where is that contract?

Mr. IVES. In the Border National Bank of Eagle Pass, Tex.

Senator CURTIS. Will you state generally to the committee what your understanding was with Mr. Bentley?

Mr. IVES. My understanding was that these lands should be deeded to me and that I should hold them and sell them for the best profit possible and the proceeds to be turned over to the benefit of the Indians with the exception of the commission which I made.

Senator CURTIS. How much commission were you to have?

Mr. IVES. Ten per cent, I think it was, but I am not positive.

Senator CURTIS. Was this agreement of yours made in reference to the first seven deeds taken?

Mr. IVES. The original agreement was not made until after that; it was talked over quite a good deal.

Senator CURTIS. What was your verbal agreement?

Mr. IVES. Practically the same as the written agreement.

Senator CURTIS. Did you ever pay those Indians any money?

Mr. IVES. I never paid them any money with the exception of Ma-ka-seah.

Senator CURTIS. How much did you pay him?

Mr. IVES. I paid him \$100—Mr. Bentley gave me \$30 and I paid him the other \$70 myself?

Senator CURTIS. What other Indians did you pay in person?

Mr. IVES. I do not remember any others.

Senator CURTIS. Can you tell this committee when you and Mr. Bentley first entered into your agreement with reference to the first seven Indians that went to Mexico, and who they were?

Mr. IVES. About the time the restrictions were removed on the seven Indians; prior to that time Mr. Bentley and I had some conversation on the matter when I was down here the fall before that, and we had corresponded with each other a little before that. He

wired me to meet him in St. Louis and to come with him, as he wanted to take title to that land in my name. I met him in St. Louis and came on down here with him.

Senator CURTIS. Did you take any deeds?

Mr. IVES. Yes, sir; early in March, 1905.

Senator CURTIS. Were you present when those deeds were taken?

Mr. IVES. I was not; the deeds were taken in Eagle Pass.

Senator CURTIS. How did you get the deeds; were they mailed to you?

Mr. IVES. They were either mailed or expressed, I do not remember.

Senator CURTIS. Did you pay any money for those deeds?

Mr. IVES. I did not at that time.

Senator CURTIS. What disposition have you made, if any, of those two allotments?

Mr. IVES. I made a real estate firm a net price of \$32,000, and they paid me \$15,500 in cash and \$16,500 was secured by mortgage which still stands.

Senator CURTIS. Making \$32,000 in all?

Mr. IVES. Yes, sir.

Senator CURTIS. Have you disbursed that money?

Mr. IVES. Fifteen thousand dollars of it I sent to Mr. Bentley.

Senator CURTIS. Where?

Mr. IVES. To Eagle Pass, immediately.

Senator CURTIS. Do you know what was done with that money?

Mr. IVES. It was paid to the Indians and some of it was paid on Mexican land.

Senator CURTIS. Do you know anything about that of your personal knowledge?

Mr. IVES. No, sir.

Senator CURTIS. Just tell us what you know personally.

Mr. IVES. This was not of my personal knowledge. All I know of what happened there is what Mr. Bentley reported to me.

Senator CURTIS. How about any other tracts?

Mr. IVES. That was the only one. This included the 80's that were first sold?

Senator CURTIS. But only one Indian's?

Mr. IVES. Two Indians, Okemah's and Thi-the-qua's—two of them were included in that. One of those, Noten's, I believe, was deeded to Mr. J. H. Everest, who afterward transferred it to Mr. Bentley.

Senator CURTIS. Now, give us the net amount that you got out of the first deal?

Mr. IVES. Thirty-two thousand dollars.

Senator CURTIS. What became of the other \$7,000?

Mr. IVES. It went to the real estate men. They took the property.

Senator CURTIS. They got \$7,000 for handling it?

Mr. IVES. They got the piece of property. I may be mistaken in the value of the property; it may have been valued at \$7,500. However, the money amount is correct; I have the money amount and the mortgage amount. It seems to me that they took the property and paid me the cash difference of \$500, making up the cash of \$15,500.

Senator CURTIS. Then they got the \$7,000 for their commission, or whatever it was?

Mr. IVES. Yes, sir; I made a net price on the property and they made the sale.

Senator CURTIS. Have you sold either of the other tracts?

Mr. IVES. I have not.

Senator CURTIS. How do you hold them?

Mr. IVES. They are included; since this written contract was made I think they are included in it.

Senator CURTIS. That written contract is substantially what?

Mr. IVES. That I shall hold this property in trust and dispose of it to the best possible advantage for the benefit of the Indians, and turn over the proceeds, with the exception of a commission.

Senator CURTIS. Is that all you are to do with it?

Mr. IVES. That is all I have any agreement to get out of it.

Senator CURTIS. Is that all you expect to get out of it?

Mr. IVES. Yes, sir.

Senator CURTIS. Are Mr. Bentley and you to divide that 10 per cent?

Mr. IVES. Nothing was said about that.

Senator CURTIS. Did you have an understanding with him about it; what is your feeling about it, that it will be divided or will not?

Mr. IVES. If Mr. Bentley did not get any other pay I would certainly divide it with him.

Senator CURTIS. Do you know anything about his having any arrangement with the Indians to get other pay?

Mr. IVES. I do not; no, sir.

Senator CURTIS. Have you made any effort to sell the other five tracts?

Mr. IVES. I never have made any great effort. I did offer them for sale the first few months, but there was the question of title, and we have not made any effort to push it.

Senator CURTIS. Who raised the question of title?

Mr. IVES. It was raised in Mr. Thackery's office.

Senator CURTIS. Have the patents yet been delivered to you for this land?

Mr. IVES. No, sir; the patents are only trust patents with the exception of the ones I ordered from Washington.

Senator CURTIS. How many of those did you get?

Mr. IVES. I got the trust patent on the Okema and Thi-the-qua land and I believe I ordered one on the Wah-na-ke-tha-hah land.

Senator CURTIS. Have you received that?

Mr. IVES. Yes, sir.

Senator CURTIS. Have you any correspondence relating to those patents?

Mr. IVES. I have, but I left it up at the office.

Senator CURTIS. Will you please produce it so that we will have it to-morrow?

Mr. IVES. Yes, sir; I have all my papers done up in a package to bring here.

Senator CURTIS. I wish you would tell this committee fully everything about those first seven allotments, if you have not already told us; state if there was any agreement or understanding, or anything done.

Mr. IVES. Well, there is a power of attorney from me to H. T. Douglas. I thought perhaps at the time the trade was made that I might move over into the Indian Territory, and they wanted to be convenient so that they could sell the lots and dispose of them in lots,



and I gave to H. T. Douglas a power of attorney to act for me and cancel the mortgage.

Senator CURTIS. And make deeds?

Mr. IVES. Not to make deeds, but to cancel the mortgage on the lots as sold.

Senator CURTIS. Who is Mr. Douglas?

Mr. IVES. He is president of the Shawnee National Bank.

Senator CURTIS. State if at this time you claimed to hold that property other than as trustee?

Mr. IVES. I do not; I do not hold this property at all, it is in the hands now of the Shawnee Townsite Company.

Senator CURTIS. I mean those other allotments that you have been doing nothing with?

Mr. IVES. I hold those as trustee.

Senator CURTIS. Have you had any other deeds?

Mr. IVES. I have had quite a number under the late act.

Senator CURTIS. Have you those deeds with you?

Mr. IVES. They are also in my office.

Senator CURTIS. Will you produce those and leave them with the committee to-morrow.

Mr. IVES. Yes, sir.

Senator CURTIS. How much money have you paid for those, just give us, so as to save time, the name of each Indian to whom you have paid any money?

Mr. IVES. I have not paid any to the Indians except to Mah-ka-seah, that I spoke of.

Senator CURTIS. Who else have you paid to?

Mr. IVES. Mr. Bentley.

Senator CURTIS. Have you rendered any account as to the moneys you received?

Mr. IVES. Yes, sir; here is an account in full that I prepared to submit, with the exception that there should be in my expenditure \$70 added to those which I have the checks for.

Senator CURTIS. Please add that now?

Mr. IVES. I have not the date of the checks; they are up there in my package.

Senator CURTIS. Just put a note at the bottom, "\$70 to be added, check will be submitted." Now what does that account refer to?

Mr. IVES. That is \$40 for shade trees and—

Senator CURTIS. No; what does that whole account cover?

Mr. IVES. It covers all the money I have received and paid out.

Senator CURTIS. With reference to what?

Mr. IVES. All this Indian land business.

Senator CURTIS. Both the seven and the others?

Mr. IVES. Yes, sir; from the 1st of March, 1905, to the present.

Senator CURTIS. Do you know whether Mr. Bentley paid any money to those Indians when the deeds were delivered to them?

Mr. IVES. No, sir.

Senator CURTIS. Have you claimed, or do you claim, any title to any of the land for which deeds were made in Mexico or Eagle Pass, Tex.?

Mr. IVES. In no other way than as trustee.

Senator CURTIS. Have you ever claimed to be the absolute owner other than as trustee?

Mr. IVES. I do not know whether I ever did or not.

Senator CURTIS. That is a matter you have not made public?

Mr. IVES. No, sir; I have kept that in my office.

Senator CURTIS. The question is, do you claim any title other than as trustee to this land that you have been handling?

Mr. IVES. I do not.

Senator CURTIS. Have you bought any other land?

Mr. IVES. I have.

Senator CURTIS. From whom?

Mr. IVES. From homesteaders—white men here in this country.

Senator CURTIS. How much?

Mr. IVES. I bought one piece of 120 acres in the Pottawatomie country and one piece of 80 acres west and south.

Senator CURTIS. When did you first hear of these Indians going to Mexico?

Mr. IVES. I hardly know when I first heard of it.

Senator CURTIS. Well, the first that you recollect of it?

Mr. IVES. I have talked it over with Mr. Bentley for several years before they did go.

Senator CURTIS. What did he say about it?

Mr. IVES. He had plans for moving them to Mexico, thinking they would be better off there in that country.

Senator CURTIS. Did he say that to you?

Mr. IVES. Yes, sir.

Senator CURTIS. When did he first say that, if you remember?

Mr. IVES. I believe it was while he was still agent.

Senator CURTIS. After his term of office expired, what did he say to you about it?

Mr. IVES. I was away for several years and did not get to see him very often.

Senator CURTIS. When you came back or when you did see him did he talk about it?

Mr. IVES. Yes, sir; he still had the same plan of going to Mexico and buying a ranch for them, and having them own it in common as they had always held their lands here.

Senator CURTIS. What did the Indians say about that plan?

Mr. IVES. At that time I had no conversation with the Indians in regard to it.

Senator CURTIS. Have you had any conversation with the Indians since that time?

Mr. IVES. With a good many different ones since I have been here this last time.

Senator CURTIS. What did they say about it?

Mr. IVES. Some were favorable to it and some were opposed to it.

Senator CURTIS. Did Mr. Bentley tell you what inducements he was going to hold out to those Indians to get them down there?

Mr. IVES. I do not think that he ever mentioned any inducements as far as getting them to go is concerned.

Senator CURTIS. Is it not a fact that you and Mr. Bentley talked over the matter of getting these first seven allotments, and the understanding was when you got those first seven allotments you would sell that land and put the money in Mexican land?

Mr. IVES. It was.

Senator CURTIS. Was not that conversation between you two really before the restrictions were removed as to the seven allotments?

Mr. IVES. No, sir; I think the restrictions were removed on the seven allotments before I knew they were going to be removed. I do not know the number. However, we had some conversation about selling the land and investing the money in Mexican land, but we did not know anything about the number that the restrictions would be removed on.

Senator CURTIS. You did talk about that then, about doing it, before the restrictions were removed?

Mr. IVES. Yes, sir.

Senator CURTIS. Have you talked to those seven Indians that you got the first land from?

Mr. IVES. No, sir; not since that time.

Senator CURTIS. Did you talk with each of them and tell them why you held the land, or did Mr. Bentley do the talking?

Mr. IVES. Mr. Bentley did.

Senator CURTIS. Then, your understanding is with Bentley, and Bentley's understanding is with the Indians?

Mr. IVES. Yes, sir.

Senator CURTIS. Personally you have had no dealings with the Indians further than you have mentioned?

Mr. IVES. No, sir.

Senator CURTIS. You do not know whether the Indians want to go to Mexico or stay here of your personal knowledge?

Mr. IVES. Only from the few that I saw here; nothing from those that are there. I have never been to Mexico myself.

Senator CURTIS. Were you in Eagle Pass, Tex., at all during the summer of 1906 or 1907?

Mr. IVES. No, sir.

Senator CURTIS. Have you any other person representing you in any way or getting the Indian titles for you?

Mr. IVES. No, sir; I have not.

Senator CURTIS. Have you any other dealings with Indians other than those with the Mexican Kickapoos?

Mr. IVES. None at all.

Senator CURTIS. You said that Mr. Bentley said he wanted these Indians down there because he thought they should own land in common. What else did he say?

Mr. IVES. He thought they would get along very much better there; that they would have more territory; and he thought they could have a cattle ranch and live in their own way, as there was more or less friction here all the time, and he thought that would be avoided.

Senator CURTIS. With regard to these last deals, have you had any communication with the Indians, or has that all been done by Mr. Bentley?

Mr. IVES. It has all been done by Mr. Bentley with the exception of the one I spoke about.

Senator CURTIS. And you say that personally you have advanced no money to them other than you have stated?

Mr. IVES. I believe not.

Senator CURTIS. If any money was paid here at the time the deeds were executed, it was paid by Bentley and not by you?

Mr. IVES. Yes, sir.

Senator CURTIS. In what capacity have you dealt with Mr. Bentley—as interested with you or as agent of the Indians?

Mr. IVES. He has always been the agent of the Indians, and we have been interested together to the extent of the contract I mentioned. However, he is not mentioned in the contract.

Senator CURTIS. Have you mortgaged any of the property that you have secured?

Mr. IVES. Yes, sir; I have.

Senator CURTIS. How many pieces?

Mr. IVES. I expect about seven.

Senator CURTIS. How much money have you raised from the seven mortgages?

Mr. IVES. There was one mortgage that was made to Mr. Bonnet, and I do not know the amount of money that was raised on it; I think there were two mortgages made upon it—one perhaps was made by myself and one by Mr. Bentley—covering two different pieces of land. The two mortgages were for \$11,000, but I do not know the amount of money that was paid on that.

Senator CURTIS. Who handled that?

Mr. IVES. Mr. Bentley. I mortgaged four pieces to Mr. Eagan.

Senator CURTIS. Just explain fully how you made those mortgages, and why.

Mr. IVES. Mr. Bentley wrote me that we must raise some money to finish paying for the land that he bought for the Kickapoos down in Mexico, and I spoke to Mr. Eagan, who is an old acquaintance—he came from the same town I did in Indiana—and he mentioned the fact that he had \$4,000 in cash that I could have if I wanted it, and I told him that I would like to get it if he was not going to use it. He said I was perfectly welcome to it, and when we came back—we were out in the country at that time—he simply made me a check and gave it to me for the money. I told him I wanted to secure him in some way for that, that I would give him a mortgage on some of this land, and he said I need not bother about the mortgage, that he did not care about it. However, I made out a mortgage for four 80's for \$4,000 and gave it to him. He put it in his pocket. And the next day he left town without putting it on record, and after he was gone—at that time Chapman, Grimes, and the other crowd of people were getting many deeds on pieces that we had deeds on—and I thought it might be just as well to get some of that covered up; at any rate, it would discourage them from putting on their deeds. So I made a second mortgage to Mr. Eagan for the same amount and the same piece of land, and filed it myself. I afterwards wrote him to send his mortgage and I would have it put on record, and I filed it. One represents \$4,000 and the other does not represent anything.

Senator CURTIS. So that all there is of this land represented by the Eagan mortgage is how much?

Mr. IVES. Four thousand dollars.

Senator CURTIS. Now, I notice that in all these deeds you put in as the consideration \$1,000.

Mr. IVES. Yes, sir.

Senator CURTIS. How did you happen to agree upon that amount as the consideration?

Mr. IVES. I did not have anything at all to do with it. The consideration does not indicate anything; it does not indicate the amount paid on the land at all.

Senator CURTIS. Have you ever figured the amount or measured the value of the land that was in your hands as trustee if you could give a good title—that is, every acre that was in your hands as trustee; how much would that land be worth?

Mr. IVES. I should think something like \$300,000, perhaps not quite that much; \$250,000, I expect.

Senator CURTIS. I do not want you to take up the time to fill the record by reading those names, but I understand that, other than the case you have mentioned, you have personally paid nothing to the Indians on this land?

Mr. IVES. Nothing.

Senator CURTIS. That everything that has been paid has been paid by Mr. Bentley?

Mr. IVES. Yes, sir.

Senator CURTIS. Did he render an account to you of the amount paid by him in each case?

Mr. IVES. He has not yet rendered an account to me except in the one case I have just referred to.

Senator CURTIS. From your account here, how does it stand; is the trust in debt to you?

Mr. IVES. Yes, sir; I have paid out something like five or six thousand dollars more than I have received.

Senator CURTIS. Why did you not receive more money?

Mr. IVES. Because I could not sell the land.

Senator CURTIS. Was it tied up?

Mr. IVES. Yes, sir.

Senator CURTIS. How was it tied up?

Mr. IVES. It was tied up, in the first place, by the talk of the titles not being good, and later it was tied up by suits brought by the Benson, Grimes, and Chapman crowd, and since then by suits by the Government.

Senator CURTIS. Do you know who first suggested to the Indians that they should go to Mexico?

Mr. IVES. I do not know.

Senator CURTIS. Do you know whether they suggested it to Mr. Bentley or Mr. Bentley to them?

Mr. IVES. I do not know; I could not state positively as to the fact. I know nothing but what Mr. Bentley told me about that.

Senator CURTIS. Do you know anything about any of those Indians having previously lived in Mexico, say twenty or thirty years ago?

Mr. IVES. Nothing but the history of it.

Senator CURTIS. Have you heard the Indians say that they have lived there?

Mr. IVES. Yes, sir.

Senator CURTIS. What was the condition of those Indians when they made the deeds to you?

Mr. IVES. I do not know; I was not present.

Senator CURTIS. You do not know whether they were drunk or sober?

Mr. IVES. No, sir.

Senator CURTIS. Do you know what Indian interpreters Mr. Bentley had?

Mr. IVES. I do not.

Senator CURTIS. What interpreters have you had, or did you have, when you talked to the Indians?

Mr. IVES. None.

Senator CURTIS. Have you a regular Indian interpreter in your employ?

Mr. IVES. No, sir.

Senator CURTIS. What Indian interpreter did you usually employ?

Mr. IVES. I did not employ any. I did not talk to any Indians except the ones who could talk English.

Senator CURTIS. You have employed interpreters for Mr. Bentley, have you not?

Mr. IVES. No, sir; I have never employed one.

Senator CURTIS. Did Mr. Bentley ask you to send him an interpreter at any time?

Mr. IVES. No, sir; never. The only time I have ever sent anybody or asked anybody to go any place—and he was not going as interpreter—was last winter when I went to see Joe Whipple to see if he would go to Washington if subpoenaed by wire.

Senator CURTIS. Did you not see about Shawnee going down to Mexico for Mr. Bentley?

Mr. IVES. Yes, sir; I did.

Senator CURTIS. He wired you to send Shawnee down, did he not?

Mr. IVES. Yes, sir; he did.

Senator CURTIS. In what capacity was he to go?

Mr. IVES. He was to go as interpreter—that was a mistake—

Senator CURTIS. Now, see if you can not think of some other case. Did you not send Mack Johnson down once?

Mr. IVES. No, sir; not that I can remember.

Senator CURTIS. Did you ever ask him to go?

Mr. IVES. I do not remember ever asking Mack Johnson to go.

Senator CURTIS. Did you go to Washington last winter?

Mr. IVES. No, sir.

Senator CURTIS. Is there any controversy or have there been any deeds filed to ease these seven allotments you people had, and if so, upon how many different tracts?

Mr. IVES. At least three, I believe.

Senator CURTIS. These tracts that they have those deeds on were deeded to you, were they not?

Mr. IVES. Two to me and one to Mrs. Bentley.

Senator CURTIS. How about that in the hands of Mrs. Bentley, did you handle that, too?

Mr. IVES. I handled that; however, Mrs. Bentley has a contract similar to the one I signed with the Indians.

Senator CURTIS. Have you a copy of your contract?

Mr. IVES. No, sir.

Senator CURTIS. Have you a copy of Mrs. Bentley's contract?

Mr. IVES. I have a copy in blank; it was never signed.

Senator CURTIS. In regard to these transactions, those under the act of June 21, 1906, have you a written contract with reference to them—a statement that you held them in trust?

Mr. IVES. They are all in the same contract.

Senator CURTIS. They signed two separate papers, did they; you did not handle the two together, did you?

Mr. IVES. They are all under one contract; the second deeds were taken under the late law.

Senator CURTIS. In addition to what you had the first time, why did you take the second deed?

Mr. IVES. Because there had been so much trouble raised that I thought the second one would settle all dissatisfaction.

Senator CURTIS. You may state to the committee if you leased any of your land?

Mr. IVES. Yes, sir; I did.

Senator CURTIS. How many leases have you made on this land that you hold?

Mr. IVES. I can not tell you exactly——

Senator CURTIS. Have you had any trouble in leasing this land?

Mr. IVES. I have lately.

Senator CURTIS. What trouble have you had?

Mr. IVES. Mr. Thackery has been notifying all the lessors to pay all the lease money to him and to no one else, that he would hold it in his possession until the controversy over the titles was settled——

Senator CURTIS. Has he taken that position with reference to the first seven allotments?

Mr. IVES. He attacked those under the act of June, 1906. There is one case we had here; the Indian's name is Ta-na-neah. Mr. Bentley got the deed sometime after the passage of this act of 1906, and there was an approved lease running to the 1st of January, 1908, and the man was very anxious to sell, and I foolishly bought it without intending to. I had trouble renting the land, and after I bought it I could not get anyone to take it until late in the season, and I was to get a share of the crop grown on it. According to the approved lease the Indian should receive \$50 a year for it. I have not yet collected the rent, and the renters were notified by Mr. Thackery's office to pay the money to him; that unless it was paid to them they would attach the crop. They came here and demanded that I pay the entire amount to Mr. Thackery. I told them I did not recognize Mr. Thackery's authority in the matter; that I would pay the \$50 to the Indian, and I am now ready to pay the money to the Indian allottee and not to Mr. Thackery, until the court decides I should do it.

Senator CURTIS. Have you had any trouble about any other land?

Mr. IVES. Yes, sir. I also had some trouble in one section of four minors' land. I got a lease through Mr. Bentley from the guardian of the child, and there was a lease approved by the Indian Office several months after my lease went on record.

Senator CURTIS. I understand that if we want information upon this matter of money transaction, the amount of money paid to the Indians, and the whole matter, we must go to Mr. Bentley for it?

Mr. IVES. Yes, sir; my account there shows everything that I have collected and everything I have paid out, with the exception of \$70, which I have checks for.

The CHAIRMAN. Which you added?

Mr. IVES. Yes, sir; I added at the bottom.

The CHAIRMAN. And you did not claim to hold this land against the Indians at any time?

Mr. IVES. I did not.

The CHAIRMAN. If the real Indian who owns the land should come back and ask for it, you will let him have it?

Mr. IVES. I have thought many times that I would be glad if they all had it back.

The CHAIRMAN. Say, for instance, an Indian who is in Mexico for whom you have a deed in trust should come back and ask for his deed, what would you do with it?

Mr. IVES. If he came back and wanted to stay, I presume I would give it back to him.

The CHAIRMAN. Well, would you do it?

Mr. IVES. Yes, sir; I would do it.

The CHAIRMAN. Have you invited any of them to come back?

Mr. IVES. I have not.

The CHAIRMAN. Do you know whether or not Mr. Bentley has?

Mr. IVES. I do not.

The CHAIRMAN. Did you ever order I-nis-kin off of her land?

Mr. IVES. No, sir.

The CHAIRMAN. Who is she?

Mr. IVES. She is Mack Johnson's wife.

The CHAIRMAN. Have you a deed for her land?

Mr. IVES. I have.

The CHAIRMAN. Are you willing that she should continue to stay on that place?

Mr. IVES. I am.

The CHAIRMAN. You have made no effort to dispossess her?

Mr. IVES. Not at all.

Mr. EMBRY. If I can have the privilege of examining that account I will shorten my examination of the witness in the morning.

The witness was thereupon excused until to-morrow.

FRANK A. THACKERY, having been first duly sworn, testified as follows:

Senator CURTIS. Where do you live?

Mr. THACKERY. I live 2 miles south of Shawnee.

Senator CURTIS. How long have you lived in this county?

Mr. THACKERY. Since September, 1901.

Senator CURTIS. What official position do you hold?

Mr. THACKERY. I am superintendent and special disbursing agent for the Shawnee, Pottawatomie, and Kickapoo Indians.

Senator CURTIS. What official position did you hold before that time?

Mr. THACKERY. The Kickapoos and the Big Jim band of Absentee Okla.—the Riverside school.

Senator CURTIS. And you came from there here?

Mr. THACKERY. Yes, sir.

Senator CURTIS. Who had been the agent prior to your appointment here?

Mr. THACKERY. Mr. Lee Patrick and Mr. Bentley; their work was combined.

Senator CURTIS. Then you virtually succeeded Lee Patrick and Bentley?

Mr. THACKERY. Apparently not Lee Patrick; I did not take on his work.



Senator CURTIS. What Indians did you take that had been under the control of Mr. Bentley?

Mr. THACKERY. The Kickapoos and the Big Jim band of Absentee Shawnees.

Senator CURTIS. When you took possession of those Indians did you have any trouble with the Kickapoos?

Mr. THACKERY. I had, in a way.

Senator CURTIS. What was it?

Mr. THACKERY. I had difficulty in having them do as I should like them to do.

Senator CURTIS. Why?

Mr. THACKERY. Because of the Mexico proposition being in their minds.

Senator CURTIS. Now proceed and tell all about that, Mr. Thackery; you can tell it in your own way. Tell the committee in your own way where and when you took possession, and what difficulties were met with them, and who was responsible for them?

Mr. THACKERY. Well, the first Mexico business that I remember of hearing about from the Kickapoos was one morning at the office, when a number of them came over to see me and said that they had heard that I was going to steal their children; that I had been sent here as a schoolman, and I was going to send the marshals—they meant the Indian policeman—out after their children, and they wanted to know if that was true. I told them it was not.

Senator CURTIS. Who did they say had told them that?

Mr. THACKERY. Some of them said that Mr. Bentley had told them.

Senator CURTIS. Do you know who they were that told you that?

Mr. THACKERY. One was Mak-tah-wa. There were 5 or 6 of them; I do not remember who the others were. I informed those Indians that I wanted their children to go to school, but I would not take them without their permission, and they went away satisfied, and in a week or two they came back—

Senator CURTIS. The same Indians?

Mr. THACKERY. I do not know whether they were the same or not. They called several times.

Senator CURTIS. What was their complaint?

Mr. THACKERY. It was the same complaint.

Senator CURTIS. Had you made an effort to take their children?

Mr. THACKERY. No, sir.

Senator CURTIS. Did you put any child in school without the knowledge and consent of their parents?

Mr. THACKERY. No, sir; a little while later somebody telephoned me from town that a car was being loaded with horses, mules, and wagons and farming implements to be shipped to Mexico, and I came over to see about it, and found out that it was true.

Senator CURTIS. Who was in charge of it?

Mr. THACKERY. There were two brothers—I do not know which was in charge; Williams was their name.

Senator CURTIS. Who did they represent, or claim to represent?

Mr. THACKERY. I do not know that they claimed to represent anybody. I went with a man named Martin, who was a constable here, down to the car, and we took charge of the car. He got out and

went in a southerly direction, and in a short time he returned with Mr. Bentley.

Senator CURTIS. What occurred?

Mr. THACKERY. We had quite a time there whether the car should be permitted to go out or not. I got the depot master to put the car in a place where we could unload the stuff, and they had 6 or 8 mules in the car.

Senator CURTIS. Why did you take them out?

Mr. THACKERY. Because I found the Government brand on them; they were Government mules. I wired the Commissioner about it, and he told me to prevent the shipment and use my police force if necessary.

Senator CURTIS. What did Mr. Bentley say about the car going; who did he say the goods belonged to?

Mr. THACKERY. I do not know that he said who they belonged to.

Senator CURTIS. Did he name any Indian that they were going to be shipped for?

Mr. THACKERY. No, sir.

Senator CURTIS. He did not say he was shipping them himself, did he?

Mr. THACKERY. No, sir.

Senator CURTIS. In whose name was the car billed, if you remember?

Mr. THACKERY. I think it was billed in the name of Pah-ko-tah; it might have been in the name of one of the Williams boys.

Senator CURTIS. Did you see Pah-ko-tah?

Mr. THACKERY. No, sir; he was not there. I think perhaps he was just going to Mexico at that time.

Senator CURTIS. Were any of the other Indians down in Mexico?

Mr. THACKERY. I think a few of them had gone.

Senator CURTIS. It had been their habit to go back and forth, has it not?

Mr. THACKERY. Not very much until that time.

Senator CURTIS. Is it not true that those Kickapoos have relatives living in Mexico, and they have been living there for over fifty years?

Mr. THACKERY. I think that is true.

Senator CURTIS. Do you know whether they were going on a visit, or to stay permanently?

Mr. THACKERY. I understood they were going to stay.

Senator CURTIS. When you took this car you say the man the constable went after was Mr. Bentley?

Mr. THACKERY. He returned with him in a short time.

Senator CURTIS. Now, I wish you would state to the committee what passed between Mr. Bentley and yourself.

Mr. THACKERY. He threatened to have me arrested if I interfered with the car.

Senator CURTIS. Did he say it was his car?

Mr. THACKERY. I do not know that he claimed the car.

Senator CURTIS. Did he say that he was acting for the Indians?

Mr. THACKERY. I could not say that he said that, but that was the supposition—that he was in charge of it, at least.

Senator CURTIS. You say that you took 6 of the mules out?

Mr. THACKERY. Yes, sir.

Senator CURTIS. Did the car go with them?

Mr. THACKERY. It went on the next morning, I think.

Senator CURTIS. Did you stop that car afterwards?

Mr. THACKERY. I tried to stop it all the way down there.

Senator CURTIS. Why did you let it go at all if you had your hands on it?

Mr. THACKERY. Senator Quay went to see the Commissioner and he ordered it turned loose.

Senator CURTIS. Did you get another order to stop it?

Mr. THACKERY. Not after that.

Senator CURTIS. When did that order come from the Commissioner—before the car left here or after it had gone?

Mr. THACKERY. The order to prevent the shipment came before the car left.

Senator CURTIS. Then why did you not prevent it?

Mr. THACKERY. I did my best.

Senator CURTIS. Could you not have stopped it by bringing suit in the name of the Government?

Mr. THACKERY. I had no way of bringing suit until I got the United States attorney at Guthrie, and I could not reach him in time. I sent a man over to Tecumseh to have the papers gotten out; it was night.

Senator CURTIS. Where did you stop it on the way?

Mr. THACKERY. At Eagle Pass.

Senator CURTIS. How long did you hold it there?

Mr. THACKERY. I do not know; two or three days, I guess.

Senator CURTIS. Then it was released on order of the Commissioner?

Mr. THACKERY. Yes, sir.

Senator CURTIS. Did you have any other trouble?

Mr. THACKERY. Of what kind?

Senator CURTIS. Of any kind about those Indians going to Mexico. The committee wants all the facts it can get with regard to these Indians going to Mexico, and we want to know if we can ascertain who is responsible for it, what trouble you have had about it, and everything connected with it. Is there anything else about that car and the mules. You say you held them two or three days at Eagle Pass?

Mr. THACKERY. There is nothing further that I know. The car contained other property with "I. D." on it.

Senator CURTIS. Did you have anybody arrested or swear out warrants for their arrest?

Mr. THACKERY. Yes, sir; for Mr. Bentley's arrest.

Senator CURTIS. Did you have him arrested?

Mr. THACKERY. Yes, sir; I was instrumental in it.

Senator CURTIS. Was he tried, or was the case dismissed?

Mr. THACKERY. I am not sure what did become of it.

Senator CURTIS. After you got that dispatch you did not pay much attention to it, did you?

Mr. THACKERY. No, sir; Mr. Scothorn had charge of the case. I think it was dismissed. I do not think it ever came to trial.

Senator CURTIS. What next occurred in the way of trouble?

Mr. THACKERY. There has been so much of it that really it has been an everyday occurrence almost ever since I have been here. There are about 300 Kickapoos and I have had more trouble with

them, and they have occupied more of ~~my~~ time than all the other 2,300.

Senator CURTIS. Did you have trouble with the entire 300, or just a certain part of them?

Mr. THACKERY. It was a certain part of them.

Senator CURTIS. What portion of them; how are they known or designated?

Mr. THACKERY. It is for the most part the band termed the Kick- ing Kickapoos, because they refused to accept the annuity of the sur- plus land.

Senator CURTIS. How many are there of that band?

Mr. THACKERY. I think about half.

Senator CURTIS. We found about 150 in Mexico now. Are there any here who properly belong to that band?

Mr. THACKERY. Of the Kickers? Yes, sir; I think so.

Senator CURTIS. About how many now?

Mr. THACKERY. Of the Kickers that are here?

Senator CURTIS. Yes.

Mr. THACKERY. Probably a dozen.

Senator CURTIS. Now, state what, if any, conversation you have had with those Indians about going to Mexico?

Mr. THACKERY. I have had a great many conversations.

Senator CURTIS. Please name some of the Indians with whom you have talked, and what they said about wanting to go to Mexico.

Mr. THACKERY. I have talked with Wah-pe-che-qua.

Senator CURTIS. What did he say about it?

Mr. THACKERY. That bunch wanted to go.

Senator CURTIS. What did they want to do with their lands here; did they tell you?

Mr. THACKERY. No, sir.

Senator CURTIS. What did they say about getting land in Mexico?

Mr. THACKERY. Nothing, except that they wanted to get to Mexico.

Senator CURTIS. Did you find any of them who said they did not want to go?

Mr. THACKERY. I talked with a great many who said they did not want to go.

Senator CURTIS. Of those that are there now?

Mr. THACKERY. I talked with many of them who wanted to come back.

Senator CURTIS. Do you mean who are there now at this time?

Mr. THACKERY. Yes, sir.

Senator CURTIS. Can you give us the names of some?

Mr. THACKERY. George Minor was one. It is hard for me to re- member all their names.

Senator CURTIS. Just give us the names of a few that you can re- member?

Mr. THACKERY. George Minor and Ne-pah-hah.

Senator CURTIS. Is that Jim Deer's wife?

Mr. THACKERY. Yes, sir; I can not remember all.

Senator CURTIS. You do not remember any more now?

Mr. THACKERY. No, sir; there have been a good many of them that I do not recall as to their names at this time.

Senator CURTIS. Did any of them tell you at that time who induced them to go to Mexico?

Mr. THACKERY. Mr. Bentley, during the early part of it, was usually referred to as the man who wanted them to go.

Senator CURTIS. Who would tell you that?

Mr. THACKERY. The Kickapoos, generally.

Senator CURTIS. Who came in to see you?

Mr. THACKERY. Yes, sir.

Senator CURTIS. Are there any of those living here who complained to you that Bentley and Field were trying to get them to go to Mexico?

Mr. THACKERY. Yes, sir.

Senator CURTIS. Who are they?

Mr. CURTIS. Much-en-nenne.

Senator CURTIS. Is that the man who was on the stand the other day?

Mr. THACKERY. Yes, sir.

Senator CURTIS. He lives here, does he?

Mr. THACKERY. Yes, sir.

Senator CURTIS. Who else?

Mr. THACKERY. Henry Murdock and Joseph Murdock.

Senator CURTIS. Who told you that Bentley wanted them to go to Mexico?

Mr. THACKERY. That was the inference all the time, about going down there.

Senator CURTIS. On the stand the other day they did not say anything about that, did they?

Mr. THACKERY. Henry Murdock, I think, said something about it.

Senator CURTIS. And one other; two were all who said anything about it.

Mr. THACKERY. I do not remember that.

Senator CURTIS. State if you have had any other trouble that you could trace to Mr. Bentley with the Indians in Mexico?

Mr. THACKERY. Any trouble about what?

Senator CURTIS. About keeping them here or getting them back, or anything about it, with him; state if you had any trouble with him.

Mr. THACKERY. I have had these same difficulties or troubles ever since I have been in office.

Senator CURTIS. Then by making a general statement it covers the whole thing, does it?

Mr. THACKERY. Yes, sir.

Senator CURTIS. And that you trace to Mr. Bentley?

Mr. THACKERY. For the most part; actually I have had little trouble with those other men.

Senator CURTIS. Which other men?

Mr. THACKERY. Mr. Grimes and Mr. Garrett and Mr. Jacobs.

Senator CURTIS. And Mr. Chapman?

Mr. THACKERY. No.

Senator CURTIS. You know that they belonged to the same party, did you not?

Mr. THACKERY. Not the party that has been trying to run these Indians out from here.

Senator CURTIS. Mr. Grimes was his partner, was he not?

Mr. THACKERY. I do not know that he was as to the last bunch; he may have been. I think Chapman had something to do with taking that first bunch that went before they took any deeds.

Senator CURTIS. You heard the witnesses swear here that they bought seven tickets, did you not?

Mr. THACKERY. Yes, sir.

Senator CURTIS. And they were paid for by both the crowds?

Mr. THACKERY. Yes, sir.

Senator CURTIS. That is, the Russell Johnson people representing the one bank, the Cade-Johnston bank, and the Grimes-Benson people representing the other bank?

Mr. THACKERY. Yes, sir; what I refer to was the late party, after I had been appointed the guardian. There were two bunches taken previously to that in which all these men were probably interested.

Senator CURTIS. How did those men act? And give the names of the parties that you had trouble with when they tried to get the Indians out.

Mr. THACKERY. They tried to sneak them out; they took them off to side stations.

Senator CURTIS. Who did that?

Mr. THACKERY. Mr. Jacobs and George Kishketon and Mr. Grimes.

Senator CURTIS. And who else?

Mr. THACKERY. Well, I do not know that I can connect the others with it directly. They had Indians that they were helping there.

Senator CURTIS. State if their conduct was not such that you had to issue a notice to them.

Mr. THACKERY. Yes, sir.

Senator CURTIS. Did Mr. Bentley ever try to sneak any of them out and hide them?

Mr. THACKERY. He did originally, prior to that. I could not say that he has tried to sneak any out since the passage of this bill.

Senator CURTIS. Do you mean that before the passage of the bill he tried to sneak them out?

Mr. THACKERY. Yes, sir.

Senator CURTIS. Please tell us when.

Mr. THACKERY. I could not give the date; I had my people over here watching a number of times.

Senator CURTIS. Did he take them right up to the depot?

Mr. THACKERY. I think most of them got on at the depot.

Senator CURTIS. Openly and aboveboard?

Mr. THACKERY. I do not know anything about that.

Senator CURTIS. Did he sneak them out in the nighttime like the Grimes people?

Mr. THACKERY. Not that I know of. He had the women and children way down in the brush at one time, so I was informed, telling them to keep their children hid, because I would have my policemen down there to kill them.

Senator CURTIS. How do you know that? Did they tell you?

Mr. THACKERY. Mr. Clark told me that, for one.

Senator CURTIS. Do you mean Joe Clark?

Mr. THACKERY. Yes, sir.

Senator CURTIS. This man Clark has been working on all of them, has he?

Mr. THACKERY. I guess he has; I do not know that he has ever worked with the Grimes people.

Senator CURTIS. He was hand in hand with Grimes down in Mexico, was he not?

Mr. THACKERY. I do not know.

Senator CURTIS. Have you not heard me read dispatches here in which Clark's name has figured?

Mr. THACKERY. Not with the Grimes crowd.

Senator CURTIS. You heard me read dispatches to Garrett from Grimes, did you not, or Clark?

Mr. THACKERY. No, sir; I did not hear them. I do not know just what you mean. I have stated in a general way the difficulty that has existed for four or five or six years.

Senator CURTIS. Do you not know that Mr. Clark and Grimes and that crowd helped to run the first bunch of Indians out that went to Eagle Pass?

Mr. THACKERY. I do not know that Mr. Clark had anything to do with it.

Senator CURTIS. He was there with the Indians, was he not?

Mr. THACKERY. He was down there afterwards, and may have been there at the time.

Senator CURTIS. If there is anything further that you desire to state with regard to your troubles with these Indians in Mexico, you may do so.

Mr. THACKERY. It is rather difficult. I did not expect to be called upon to-night to make any statement. We have a lot of records about it that cover six years.

Senator CURTIS. Have you copies of those records that you can leave with us that have not already been put into the record?

Mr. THACKERY. Yes, sir.

Senator CURTIS. Please do so. You say you went to Mexico?

Mr. THACKERY. Yes, sir; I think I left here some time in May, 1906.

Senator CURTIS. What time did you arrive in Mexico?

Mr. THACKERY. I think I left Shawnee on May 21, 1906.

Senator CURTIS. And you arrived down there a few days later?

Mr. THACKERY. Yes, sir.

Senator CURTIS. Did you ask the Department to send you to Mexico?

Mr. THACKERY. I suggested it, in a way; I do not know that I asked for it.

Senator CURTIS. What was the purpose of your going there?

Mr. THACKERY. I was directed to go there to assist Mr. Outcalt in an investigation that he was directed to make.

Senator CURTIS. You mean George Outcalt?

Mr. THACKERY. Yes, sir.

Senator CURTIS. What investigation did he go there to make?

Mr. THACKERY. He went there to secure evidence as to the legality of deeds purporting to have been taken on seven allotments.

Senator CURTIS. Are those the seven that Mr. Ives claims to have title to?

Mr. THACKERY. He has part of them.

Senator CURTIS. Who has the others?

Mr. THACKERY. Do you mean who took the title originally from the Indians?

Senator CURTIS. Yes.

Mr. THACKERY. I think he and Mrs. Bentley had all of them, all of the seven. Perhaps one was in the name of Mr. Everest.

Senator CURTIS. Mr. Outcalt went down there for the purpose of investigating those transactions, did he?

Mr. THACKERY. Yes, sir.

Senator CURTIS. And you went with him?

Mr. THACKERY. Yes, sir.

Senator CURTIS. For what other purpose did you go?

Mr. THACKERY. None.

Senator CURTIS. What interpreter did you take with you?

Mr. THACKERY. Henry Jones.

Senator CURTIS. Did you take any money down there to pay to the Indians?

Mr. THACKERY. Not at the time I went. I had authority to take some.

Senator CURTIS. How did you get it there?

Mr. THACKERY. I had my clerk prepare the roll.

Senator CURTIS. And send it down to you?

Mr. THACKERY. Yes, sir.

Senator CURTIS. On the 2d of June, 1906, the following message was sent to you:

Arrested Murdock and three other Indians. Murdock was put to work on street as soon as Bentley learned he was employed as interpreter. Bentley made a speech at camp last night in which he stated that he would have every Indian sent to jail who did not deed him their lands. Field is here. Wire Department full particulars.

(Signed)

OUTCALT.

You received that message, did you not?

Mr. THACKERY. Yes, sir.

Senator CURTIS. Why did he wire you about those Indians being arrested?

Mr. THACKERY. I do not know that I could give you any particular reason. He had sent me up to Eagle Pass to take matters up with the Department by letter and by wire.

Senator CURTIS. You wired him back at once to get Murdock out of jail, did you not?

Mr. THACKERY. If he could; yes, sir.

Senator CURTIS. You do not know why Murdock had been arrested, except what the dispatch stated?

Mr. THACKERY. No, sir; the supposition was——

Senator CURTIS. Why did you not tell him to get the other Indians out?

Mr. THACKERY. Well, I suppose the reason of my saying that in that way was that just as I was leaving Muzquiz to go to Eagle Pass Henry Jones went with me as interpreter the time I left Muzquiz, and Mr. Outcalt asked who he should get to take his place, and there were only a few there who could interpret, but as I remember it, we were going to the train, just coming out of the hotel.

Senator CURTIS. Nobody had spoken to Murdock about interpreting for you, had they?



Mr. THACKERY. We were just starting; as we were leaving for the train, and as I was taking Henry Jones, our interpreter, we ran across Henry Murdock on the street and asked him.

Senator CURTIS. Did he agree to interpret for you?

Mr. THACKERY. Yes, sir.

Senator CURTIS. You heard him testify that he was there to interpret for the Grimes crowd, did you not?

Mr. THACKERY. I heard him testify that he went down there for that purpose.

Senator CURTIS. This dispatch simply says—

Arrested Murdock and three other Indians. Murdock was put to work on street as soon as Bentley learned he was employed as an interpreter.

Outcult does not say who he was employed by, does he?

Mr. THACKERY. The inference was that he was employed by him.

Senator CURTIS. That was the inference you drew from that?

Mr. THACKERY. Yes, sir.

Senator CURTIS. But you know, as a matter of fact, that that man went down there as the agent and interpreter of the Grimes people who were trying to rob those people?

Mr. THACKERY. I did not know at the time that he was their interpreter. I supposed he had gone down to buy land, but I had no idea of the transaction.

Senator CURTIS. Can you explain this telegram:

Wire me immediately if everybody is all right. If not, give particulars.

THACKERY.

Mr. THACKERY. There was a rumor in Eagle Pass that there had been trouble down there and that Mr. Outcult and a lot of the Indians were in jail. I do not know who all.

Senator CURTIS. Now, Outcult wired you back this dispatch; I wish you would explain what it means:

Boys go to camp tonight.

Mr. THACKERY. I do not know what he meant about the boys going to camp.

Senator CURTIS. You know he meant Grimes and those men, do you not?

Mr. THACKERY. I suppose he did.

Senator CURTIS. And you knew it at the time, did you not?

Mr. THACKERY. I suppose so.

Senator CURTIS. You never sent that dispatch to the Department, did you?

Mr. THACKERY. I do not know. I think I turned over everything I had.

Senator CURTIS. What did he mean by "authorities weakening?"

Mr. THACKERY. When we got down there Mr. Bentley seemed to be in authority.

Senator CURTIS. You heard of Bentley being in jail, did you not?

Mr. THACKERY. Yes, sir.

Senator CURTIS. Were you wired to come over there as soon as he was put in jail?

Mr. THACKERY. I think I got a message about that time.

Senator CURTIS. Who from?

Mr. THACKERY. From Outcult.

Senator CURTIS. It was as follows, was it not?

MUZQUIZ, *June 25, 1906.*

FRANK A. THACKERY, *Eagle Pass, Tex.:*

Come at once. Bentley in jail. Indian held. Take coach Las Esperanzas. Don't wait train. Bring interpreter.

OUTCELT.

Mr. THACKERY. I got the message.

Senator CURTIS. Why was he so anxious for you to be over there if you were simply down there assisting him?

Mr. THACKERY. I suppose he wanted me to assist him. He thought the situation there was that we could not get any depositions. We could not get even to talk to the Indians, and I infer from the telegram that he had got Bentley out of the way and could now go to work.

Senator CURTIS. You inferred from that that he had had Bentley arrested, did you not?

Mr. THACKERY. Not necessarily.

Senator CURTIS. Did he not tell you he would have Bentley arrested if he could?

Mr. THACKERY. I do not remember that he did; I do not think he did.

Senator CURTIS. There is no doubt in your mind that when he wired you that the boys had gone to camp he meant Grimes, Conine, and Brown?

Mr. THACKERY. I think he referred to all of them.

Senator CURTIS. And that crowd of fellows who were down there trying to grab that land?

Mr. THACKERY. I think he meant all of those.

Senator CURTIS. Do you remember whether or not you answered that dispatch?

Mr. THACKERY. I could not say whether I did or not. The record will show. I think I have a copy of every message I sent.

Senator CURTIS. Then it is fair to assume that you knew they were going to do something wrong.

Mr. THACKERY. I do not know.

Senator CURTIS. Do you not know from the character of those men that they were going to rob those Indians?

Mr. THACKERY. I do not know that.

Senator CURTIS. Do you not know that Grimes is one of the worst characters in this country?

Mr. THACKERY. I did not know it then. I am pretty well satisfied that he has not treated the Indians right.

Senator CURTIS. Do you not know that Al Brown had been a saloon keeper?

Mr. THACKERY. I did not know him until I saw him there.

Senator CURTIS. Did you have any understanding with Outcalt that he was to wire you about those boys?

Mr. THACKERY. No, sir.

Senator CURTIS. You know to whom he referred when he said "boys?"

Mr. THACKERY. There were no other boys there excepting Indians.

Senator CURTIS. Did you tell him to wire you about any of the Indians that he held for debts, or anything?

Mr. THACKERY. Not that I remember.

Senator CURTIS. I see a dispatch here from him to you:

Mohawk and Effie held for \$118. Do you want to pay it?

Were you authorized to pay it?

Mr. THACKERY. No, sir; I had no authority.

Senator CURTIS. You went down there to assist him. How is it, if you went to assist him, that he constantly wired you about whether he should do this or that?

Mr. THACKERY. The matter of payment to the Indians was in my hands. Effie and Mohawk wanted to come home; they tried to come home and were prevented because it was claimed that they owed debts there, and I suppose the purpose of that message was to find out whether they had sufficient funds to pay that debt.

Senator CURTIS. You did not authorize him to furnish any funds to pay that? You wired him not to pay it?

Mr. THACKERY. I do not think I wired him not to pay it.

Senator CURTIS. Yes, you wired him—

Don't pay any debts of Indians at present. Letter follows.

You could not expect to be authorizing the payment of debts until you investigated them, could you?

Mr. THACKERY. No, sir.

Senator CURTIS. Here is a telegram from you dated Eagle Pass, Tex., June 2, 1906:

Your message forwarded to Washington. I am ordered to await further instructions here. Do all you can to get Murdock out.

Why did you not wire him to get the other Indians out?

Mr. THACKERY. Well, I felt that Murdock had been put in by the influence of Mr. Bentley because Bentley knew that we had employed him, and because of our having employed him we were, in a measure, responsible for having him put in jail, and therefore we should get him out.

Senator CURTIS. Now, Mr. Thackery, while you were down there, you wired urging that this Indian bill be vetoed, did you not?

Mr. THACKERY. Yes, sir.

Senator CURTIS. What occurred down there to make you wire that?

Mr. THACKERY. I was convinced that the Indians were going to lose their land.

Senator CURTIS. Who did you think would get it?

Mr. THACKERY. Those men who were there, all of them.

Senator CURTIS. What had they done that would indicate to you by that time that they intended to get that land?

Mr. THACKERY. Well, from my general knowledge of the Indians I knew that any purchaser going down there to buy land would go there to get it as cheaply as they could and that the Indians would get little or nothing for it, and what he did get would not last long.

Senator CURTIS. Had you not seen members of that party that Grimes and his people brought up there first at Eagle Pass; you were there?

Mr. THACKERY. Yes, sir.

Senator CURTIS. They had those Indians drunk, had they not?

Mr. THACKERY. I do not know that I could say that they had. I saw some drunk.

Senator CURTIS. I mean the crowd that made the deeds there, the first time to Mr. Grimes and his people, were drunk?

Mr. THACKERY. Yes, sir; some of them were.

Senator CURTIS. Now, Mr. Outcalt was down there quite a long time, was he not?

Mr. THACKERY. At Muzquiz; yes, sir.

Senator CURTIS. And was wired to come home several times, was he not?

Mr. THACKERY. That happened after I came back.

Senator CURTIS. He appealed to you once to get him to stay down there longer, did he not?

Mr. THACKERY. I do not recollect it now; he might have done it.

Senator CURTIS. Outcalt said, in a dispatch, dated July 21, 1906, to you:

Can get through in a week. Talk to Embry and Scothorn.

You received that, did you not?

Mr. THACKERY. I think I did.

Senator CURTIS. Did you talk to Mr. Embry and Mr. Scothorn?

Mr. THACKERY. I think probably I talked to them over the phone about that.

Senator CURTIS. Did you write them to let him stay there longer? There had been no results from his work down there at that time, had there?

Mr. THACKERY. I do not think he had made his report. I do not know what evidence he had taken. I was in Muzquiz very little of the time.

Senator CURTIS. Now, state to this committee what trouble you had down there.

Mr. THACKERY. What trouble?

Senator CURTIS. Yes; when you went out to the camp. Who went out and what trouble had you?

Mr. THACKERY. Mr. Outcalt and I stopped in Eagle Pass on the way down two or three days, and then we took the train with Henry Jones; he was with us at the time, and we left Henry at Barroteran, and we went on to Monclova to investigate the land-office records and find out whether there was any title of record in the name of the Indians or Mr. Bentley or anybody connected with the Indians. We were there three or four days, and then we returned and went out from Barroteran to Muzquiz. I think that evening we called to pay our respects to the jefe politico, to tell him our mission there and ask his assistance, but he had gone.

Senator CURTIS. You refer to Guajardo, do you?

Mr. THACKERY. Yes, sir; he had gone, and we went fishing that evening. I think to a little lake near the town.

Senator CURTIS. You did not go to the Indian camp, did you?

Mr. THACKERY. No, sir; not that night; I think it was not that night. The next morning I think we went back to the lake; there was nothing to do, and we did not care to begin our work until we had seen Guajardo, and the next day some of the Indians came in, and some of those Oklahoma men were there.

Senator CURTIS. Do you mean the Grimes crowd?

Mr. THACKERY. Yes, sir; it was the Grimes men. We greeted each other and talked about the situation a little.

Senator CURTIS. What did they tell you they were there for?

Mr. THACKERY. To buy land; and we gradually talked on about the way we had spent the time since we had arrived there, that we had been out to the lake fishing and swimming, and they said there was a lake out near the camp where there was lots of fishing. The Indians told us about catching fish there. I think this was the next morning, as I remember it, and Mr. Outcalt suggested that we go out; we had our guns with us and had been shooting; the water was clear and we shot some fish. We had fishing tackle along also. Mr. Outcalt and I said we would drive out, and we tried to get a team, but did not find any on the street and looked around a block or two and there was none in sight; it was along in the hot part of the day, and they did not seem to be around—in the morning there are usually plenty of them around in the streets. There was two of those Grimes men—I am not positive which ones; I think Doctor Beatty and Al Brown—who said they were just driving out, and if we cared to we could drive out with them, and we rode out with them to the camp; we drove through the camp—I do not think now that we got out in the camp, but we drove out to the edge of the camp—and there the Mexican who took us out, unhitched. I greeted all of the Indians, shook hands with them, and we went on out and went down to the lake where the fish were expected to be.

Senator CURTIS. At that time had you authority to pay the Indians lease money?

Mr. THACKERY. Yes, sir; I had it in the same letter that authorized me to go down there.

Senator CURTIS. Why did you not tell those Indians at that time that you had lease money?

Mr. THACKERY. I did; I told all of those who asked me.

Senator CURTIS. Where did you tell them you would pay it?

Mr. THACKERY. At Muzquiz.

Senator CURTIS. You did not tell them to come to Eagle Pass?

Mr. THACKERY. No, sir. We went to the lake and fished around there until 3 or 4 o'clock—in fact we stayed there until nearly dark; then we came back to the camp and some of the Indians invited us to take supper with them.

Senator CURTIS. Do you remember which ones?

Mr. THACKERY. I took supper with Ah-che-che, and I think the others ate at another camp. On my way back I met Wahpachchequa, and he said we must go back to Muzquiz, that they didn't want us out there, and I asked him by what authority, and he said it was Guajardo's order. We were unable to find out whether the order came from Bentley or Guajardo.

Senator CURTIS. Was Mr. Bentley there that night?

Mr. THACKERY. I didn't see him. The men there finally satisfied us that the order had come from Guajardo, and we made preparations to go back.

Senator CURTIS. Did any of the Indians talk to you while you were fishing, or did you call on any of the Indians?

Mr. THACKERY. I do not remember.

Senator CURTIS. You do not know whether you did or did not?

Mr. THACKERY. I do not think I did.

Senator CURTIS. You say that you were satisfied the order came from Guajardo, how did you know that?

Mr. THACKERY. The policemen told me; they told us that Guajardo was back of the order. The reason why I was inclined to question the order was because Henry Jones, who received the first notice to go away, said he saw an order signed by Bentley.

Senator CURTIS. Did you see that order?

Mr. THACKERY. No, sir.

Senator CURTIS. You did not go back to the camp after that, did you?

Mr. THACKERY. I do not think I went back; I went to Eagle Pass the next day.

Senator CURTIS. At the time you returned to the camp the second time, was Outcalt and the boys permitted to visit the camp at that time?

Mr. THACKERY. I think they were.

Senator CURTIS. When was that? It was after you received that dispatch, wasn't it?

Mr. THACKERY. Yes, sir.

Senator CURTIS. When you went back there did you go up to the camp?

Mr. THACKERY. I do not believe I did.

Senator CURTIS. Why didn't you go out to see the Indians?

Mr. THACKERY. Most of them were in town at that time.

Senator CURTIS. Did you pay them any lease money?

Mr. THACKERY. I think I did; the books will show that. As far as I can remember it seems to me that three or four received money.

Senator CURTIS. Where was Mr. Bentley when you were there that time?

Mr. THACKERY. I heard he was in jail; I did not see him.

Senator CURTIS. What did Outcalt say about him being in jail?

Mr. THACKERY. He said that some of the Indians had complained about him.

Senator CURTIS. You said something about Mr. Bentley's influence; what do you mean by that?

Mr. THACKERY. It was our feeling that Mr. Bentley and Mr. Field had prevented our investigation.

Senator CURTIS. Did you talk any about those people buying land there?

Mr. THACKERY. Yes, sir.

Senator CURTIS. What did you agree to do?

Mr. THACKERY. We did not agree to do anything; we advised the Indians not to sell to anybody.

Senator CURTIS. You knew that Mr. Bentley was not paying them any money; didn't he claim he was trading their land for land in Mexico?

Mr. THACKERY. I did not hear anything about it.

Senator CURTIS. Did you pay any of those Indians any lease money?

Mr. THACKERY. I paid Steve Mohawk his lease money.

Senator CURTIS. Did you see the record that gave an account of a hearing by Mr. Bentley before the Senate committee giving a full

statement as to the exchange of Oklahoma lands for Mexican land—did you read that before you went down there?

Mr. THACKERY. Yes, sir. My understanding was that he had bought this land for the price named in the deeds and that was to be invested down there.

Senator CURTIS. Did you know that old sick woman, Kah-ke-ne-peah; what was her actual condition?

Mr. THACKERY. Nearly dead with consumption.

Senator CURTIS. Is it not true that she was in such bad condition that she could not do anything but hobble around.

Mr. THACKERY. Yes, sir; that is true.

Senator CURTIS. Was she in any kind of condition to make a deed to anybody?

Mr. THACKERY. No, sir.

At this point the subcommittee took a recess until 8 o'clock p. m.

Your committee before proceeding to take testimony, addressed the following letter to the honorable Secretary of State, to wit:

UNITED STATES SENATE.  
Washington, D. C., October 19, 1907.

Hon. ELIHU ROOT,  
*Secretary of State.*

DEAR SIR: Under Senate resolution No. 261 of the second session of the Fifty-ninth Congress, a subcommittee of the Committee on Indian Affairs has been authorized to visit Eagle Pass, Tex., and certain points in Mexico in order to "ascertain all the facts with reference to the affairs of the Mexican Kickapoo Indians."

In connection with this investigation, I consider it very important that the State Department telegraph the Mexican authorities, asking for copies of all telegrams having reference to Kickapoo matters which were sent from Muzquiz by George Outcalt, Agent Frank A. Thackery, W. L. Chapman, L. C. Grimes, or Al. Brown, or received at that office by the above-named parties or their associates during the spring and summer of 1906.

The State Department should also request that the officials of Mexico give to the committee all possible aid in securing the attendance of such witnesses as the committee may desire, and further, that they give aid and assistance generally to the end that the investigation may be a complete and satisfactory one.

I am chairman of the subcommittee consisting of Senators La Follette, Curtis, and myself, and we will have with us at least two representatives of the Sergeant-at-Arms office, and it will undoubtedly be necessary, in order that we receive proper recognition by the Mexican officials, that you take such steps as are customary in the premises.

As we leave for Eagle Pass about the 28th of this month and will probably arrive at Muzquiz within a week or ten days from that time, I have made the above suggestion that the communications with the Mexican Government be by telegraph, and that the copies of the telegrams requested be delivered to the committee or its representative at Muzquiz.

Very respectfully,

H. M. TELLER, *Chairman.*

And received the following communication in reply thereto, to wit:  
No. 780.]

AMERICAN EMBASSY,  
Mexico, November 11, 1907.

To the honorable the SECRETARY OF STATE,  
Washington, D. C.

SIR: Continuing my No. 772, of November 5, with regard to the Kickapoo land investigation, I have the honor to inclose a copy of a note from the foreign office informing me that the request that certain telegrams be shown the committee has been granted and the orders necessary for this purpose sent to the local authorities.

On receipt of this note I telegraphed as follows:

" MEXICO, D. F., November 9, 1907.

" SECRETARY OF STATE,  
" Washington, D. C.:

" Your telegram of the 25th. Mexican Government has ordered federal telegraph office Musquiz to furnish Senatorial Commission telegrams mentioned by you.

" COOLIDGE."

I also inclose a copy of my note of acknowledgment and thanks.

I have the honor to be, sir, your obedient servant,

JOHN GARDNER COOLIDGE,  
*Chargé d'Affaires ad interim.*

[Translation.]

(Inclosure 2 in No. 780.)

*Mr. Mariscal to Mr. Coolidge.*

DEPARTMENT OF FOREIGN AFFAIRS,  
*Mexico, November 6, 1907.*

MR. CHARGÉ D'AFFAIRES:

Referring to your note relative to the matter of the Kickapoo Indians, I have the honor to transmit to you herewith a copy of another note addressed to me by the department of communication bearing upon the same subject.

I renew to you the assurance of my most distinguished consideration.

IGNO. MARISCAL.

MR. JOHN GARDNER COOLIDGE,  
*Chargé d'Affaires ad interim of the United States of America.*

[Translation.]

(Inclosure 4 in No. 780.)

*Department of communication to the secretary for foreign affairs.*

DEPARTMENT OF COMMUNICATION AND PUBLIC WORKS, MEXICO.

In accordance with the wishes of the American embassy mentioned in your note No. 775, dated the 29th of October last, issued by the bureau of America, Asia, and Oceanica, and also in the two inclosures that came with it, the necessary orders have been given to the federal telegraph office at Muzquiz to the end that it may be preparing copies of the telegrams that may have been transmitted during the year 1906 relative to the matter of the Kickapoo Indians, signed or addressed by and to George Outcalt, Agent Frank A. Thackery, W. L. Chapman, L. C. Grimes, and A. L. Brown; to the end also that said telegrams may be consulted by the Senate committee of the United States of America upon its arrival to said city of Muzquiz, and in order that the committee may be given a copy of said documents, if requested, for which a receipt should be extended. I have the honor to transmit this to you in reference to your note and assure you of my distinguished consideration.

(Signed)  
MEXICO, November 4, 1907.

FERNANDEZ.

To the SECRETARY FOR FOREIGN AFFAIRS, City.



(Inclosure 5 in No. 780.)

*Mr. Coolidge to Mr. Mariscal.*

F. O. No. 208.]

AMERICAN EMBASSY,  
Mexico, November 9, 1907.

His Excellency IGNACIO MARISCAL,

*Minister for Foreign Affairs.*

MR. MINISTER: I have received Your Excellency's polite note of November 6 inclosing a dispatch from the department of communications stating that copies of certain telegrams transmitted through the federal office at Muzquiz will be prepared for the benefit of the Senate committee which is inquiring into matters concerning the Kickapoo Indians.

In reply I desire to express the thanks of my Government to Your Excellency, and through Your Excellency to the department of communications, for this courteous assistance, which will be of great advantage to the Commission, helping it to accomplish successfully the work which it has in hand.

I avail myself of this opportunity to renew to Your Excellency the assurance of my high consideration.

JOHN GARDNER COOLIDGE,  
*Chargé d'Affaires ad interim.*

Upon the presentation of the above communication from the honorable Secretary of State, the representatives of your committee secured from the telegraph authorities in Mexico the following dispatches; each copy of which was properly certified and stamped by the operator:

(1)

MUSQUIZ, June 1, 1906.

FRANK A. THACKERY, *Eagle Pass, Tex.:*

Mohawk and Effie held for \$116. Do you want to pay it?

[SEAL.]

G. A. OUTCELT.

(2)

EAGLE PASS, TEX., VIA DIAZ, June 2, 1906.

GEORGE OUTCELT, *Musquiz:*

Do not pay any debts of Indians at present. Letter follows.

[SEAL.]

THACKERY.

(3)

MUSQUIZ, June 2, 1906.

FRANK A. THACKERY, *Eagle Pass, Tex.:*

Arrested Murdock and three other Indians. Murdock was put to work on street as soon as Bentley learned he was employed as an interpreter. Bentley made a speech at camp last night in which he stated that he would have every Indian sent to jail who did not deed him their land. Field is here. Wire Department full particulars.

[SEAL.]

OUTCELT.

(4)

EAGLE PASS, TEX., VIA DIAZ, June 2, 1906.

OUTCELT, *Musquiz:*

Your message forwarded to Washington. I am ordered to wait further instructions here. Do all that you can to get Murdock out.

[SEAL.]

THACKERY.

(5)

EAGLE PASS, TEX., VIA DIAZ, June 5, 1906.

GEORGE OUTCELT, *Musquiz:*

Forward my mail here; expect definite instructions soon.

[SEAL.]

THACKERY.

(6)

C. PORFIRIO DIAZ, *June 5, 1906.*

A. T. BROWN, *Musquiz:*

How long shall hold Henry? Sent his folks home. Do you need me? Answer here. Send mail sure to-day.

RUSSELL JOHNSON.

(7)

MUSQUIZ, *June 7, 1906.*

FIRST NATIONAL BANK, *Eagle Pass, Tex.:*

Johnson, Beaty, Graham, Murdock. Come on first train. Answer.

[SEAL.]

A. T. BROWN.

(8)

C. PORFIRIO DIAZ, VIA DIAZ, *June 7, 1906.*

GEORGE OUTCELT, *Hotel Central, Musquiz:*

Wire me immediately if everybody is all right. If not, give particulars.

[SEAL.]

THACKERY.

(9)

MUSQUIZ, *June 7, 1906.*

FRANK A. THACKERY, *C. P. Diaz:*

Yes. Authorities weakening. Boys go to camp to-night.

[SEAL.]

OUTCELT.

(10)

MUSQUIZ, *June 8, 1906.*

RUSSELL JOHNSON, *C. P. Diaz:*

Can't explain over wire; previous orders countermanded. No danger of arrest. We are in camp with all privileges. Want bring Murdock.

[SEAL.]

A. T. BROWN.

(11)

EAGLE PASS, TEX., VIA DIAZ, *June 7, 1906.*

A. T. BROWN, *Musquiz:*

Russell Johnson, Graham, and two Indian boys are here. Beaty left today for home.

[SEAL.]

E. H. SCHMIDT.

(12)

C. PORFIRIO DIAZ, *June 8, 1906.*

A. T. BROWN, *Musquiz:*

Telegram received too late for yesterday's train. Wire situation in detail. Henry won't return. Can bring Willie. Answer Diaz.

RUSSELL JOHNSON.

(13)

MUSQUIZ, *June 9, 1906.*

RUSSELL JOHNSON, *Eagle Pass Tex.:*

Come at once. Bring Henry and Willie. Everything right. Answer.

[SEAL.]

L. C. GRIMES.

(14)

EAGLE PASS, TEX., VIA DIAZ, *June 12, 1906.*

GEORGE OUTCELT, *Musquiz:*

To-day's paper reports that Senate accepted conference report on Indian bill.

[SEAL.]

THACKERY, *Superintendent.*

(15)

MUSQUIZ, *June 13, 1906.*

OKLAHOMA NATIONAL BANK, *Shawnee, Okla.:*

Wire First National, Eagle Pass, two hundred for my credit.

[SEAL.]

A. T. BROWN.

(16)

MUSQUIZ, *June 13, 1906.*

FIRST NATIONAL BANK, *Eagle Pass, Tex.:*

Send draft for balance of that two fifty; also mail.

RUSSELL JOHNSON.

(17)

MUSQUIZ, June 16, 1906.

FIRST NATIONAL BANK, *Eagle Pass, Tex.*:

Wired home Thursday for \$200. If there, wire one hundred here quick.  
Answer.

[SEAL.]

A. T. BROWN.

(18)

EAGLE PASS, TEX., VIA DIAZ, June 19, 1906.

Dr. R. C. CONINE, *Musquiz*:

Bill in hands of President. Bentley is here. Get passport for Indians you bring. When do you start?

RUSSELL JOHNSON.

(19)

BARBOTERAN, VIA DIAZ, June 20, 1906.

R. C. CONINE, *Musquiz*:

Ludlow and Bentley taken Indian away from me. Officer taken him from them. Can president come? Answer.

[SEAL.]

L. C. GRIMES.

(20)

WASHINGTON, VIA MEXICO, June 21, 1906.

MARTIN T. BENTLEY, *Musquiz*:

President has approved Indian bill and it is now a law.

[SEAL.]

M. E. CLAPP.

(21)

LOS ESPERANZAS, June 21, 1906.

ABERTO GUAJARDO, *Musquiz*:

Meet me at station.

[SEAL.]

R. C. CONINE.

(22)

MUSQUIZ, June 21, 1906.

A. L. BROWN, *C. P. Diaz*:

Nachimiento needs no transport. Attend to the other man and do a good job. Will leave to-night.

[SEAL.]

L. C. GRIMES.

(23)

C. P. DIAZ, June 21, 1906.

R. C. CONINE, *Musquiz*:

My Indians brought a Nachimiento named Shekithat for Spanish interpreter. Roman Galan is making him trouble for coming without permit from Mexican Government. Get it and wire here. Answer.

[SEAL.]

A. T. BROWN.

(24)

C. P. DIAZ, June 22, 1906.

Dr. R. C. CONINE, *Musquiz*:

Bill is signed. Where is Grimes? Wire Eagle Pass who he has and arrival here.

[SEAL.]

RUSSELL JOHNSON.

(25)

C. P. DIAZ, June 23, 1906.

L. A. GUAJARDO, *Musquiz*:

Think there is arrangements being made to take Indians from camp by Galan and Bentley. Place policeman in camp. Will be there Monday to sustain charges made by Johnson in statement before court.

[SEAL.]

R. C. CONINE.

(26)

BARROTERAN, VIA DIAZ, June 23, 1906.

L. A. GUAJARDO, *Musquiz*:

Will be at Musquiz to-morrow.

[SEAL.]

G. A. OUTCELT.

(27)

MUSQUIZ, June 25, 1906.

FRANK A. THACKERY, *Eagle Pass, Tex.*:

Come at once. Bentley in jail. Indians held. Take coach Las Esperanzas. Don't wait train. Bring interpreter.

[SEAL.]

OUTCELT.

(28)

C. P. DIAZ, June 25, 1906.

GEORGE OUTCELT, *Musquiz*:

Please wire if Robert left there to-day.

[SEAL.]

MRS. R. C. CONINE.

(29)

MUSQUIZ, June 25, 1906.

MRS. R. C. CONINE, *O. P. Diaz*:

No. Bentley in jail. Indians held. Will write you.

[SEAL.]

G. A. OUTCELT.

(30)

MUSQUIZ, June 25, 1906.

GOBERNADOR MIGUEL CARDINAS, *Saltillo*:

Some Americans and a Mexican man make me trouble by moving the Indian camp to subtract the Indians from my official investigation. I beg you, if possible, to command the local authorities to help me in legal way in my work.

[SEAL.]

G. A. OUTCELT,  
*Assistant United States Attorney.*

(31)

SALTILLO, June 25, 1906.

G. A. OUTCELT,

*Assistant United States Attorney, Musquiz*:

Your message noted. Am already instructing political authority of that place to proceed in case to which you refer in legal terms.

The Governor.

MIGUEL CARDENAS.

This is a copy.

[SEAL.]

(32)

ESPERANZAS, June 25, 1906.

L. A. GUAJARDO, *Musquiz*:

Am informed that Mr. Bentley was arrested yesterday upon arriving at Musquiz and is in jail. Will thank you to advise me what he is accused of and if he has infringed any Mexican law.

EDUARDO LUDLOW.

This is a copy.

[SEAL.]

(33)

MUSQUIZ, June 25, 1906.

E. LUDLOW, *Esperanzas*:

Bentley is not in jail. Can tell you nothing regarding him, because his matter pertains to the judicial reserve.

E. T. P.

L. A. GUAJARDO.

Copy of original at official request.

[SEAL.]

(34)

MUSQUIZ, June 25, 1906.

Governor LIC. MIGUEL CARDENAS, *Saltillo*:

88 80 18 99 le 11 33 86 is 19 70 10 30 accused criminally for 82 18 83 98 10 83 30 of having obligated him by night and pounding him between three to 38 83 35 84 33 35 le 10 30 34 82 44 in 19 70 unknown.

Accusation supported by 34 30 84 83 if 30 18 33 90 70 33 84 80 35 43 34 33 18 70 brought suit 88 80 18 19 le 11 work 33 30 84 73 98 72 to 33 18 11. Ludlow for removing all the 34 33 84 89 73 84 in 19 30 83 98 10 83 30 to withdraw (him or it) from all investigation 85 83 Commissioners 33 84 80 35 83 34 33 18 30 45 negotiate permanence 83 98 90 43 30 85 to round out investigation I ask you to advise me if I shall assist them.

L. A. GUAJARDO.

Copy.

[SEAL.]

(35)

SALTILLO, June 25, 1906.

Jefe Politico L. A. GUAJARDO, *Musquiz*:

Conviene 70 48 35 40 34 30 98 99 70 90 73 49 75 42 90 40 98 74 43 33 para 40 76 43 90 73 75 quejas fundadas por una y otra parte procediendo con toda justificación 40 83 44 89 73 35 74 43 73 79 83 90 73 10 teniendo en cuenta que 75 40 74 30 84 40 98 10 73 34 43 70 98 40 85 favor 74 30 44 43 85 43 70 98 73 90 30 45 72 30 48 43 40 75 98 30 73 44 40 75 43 34 73 18 70 son en terminos legales.

The Governor:

MIGUEL CARDENAS.

Copia a pendimiento oficial.

[SEAL.]

(36)

MUSQUIZ, June 26, 1906.

ED. SCHMIDT,

*First National Bank, Eagle Pass, Tex.*

Is Thackery coming with interpreter? Answer. Where are other boys?

[SEAL.]

G. A. OUTCELT.

(37)

C. P. DIAZ, June 26, 1906.

G. A. OUTCELT, *Musquiz*:

Answering Schmidt's telegram. Everyone left here last night for Musquiz.

[SEAL.]

RUSSELL JOHNSON.

(38)

WASHINGTON, D. C., VIA LAREDO, June 26, 1906.

FRANK A. THACKERY, *Musquiz*:

Appropriation act signed June 21 containing Kickapoos provision as heretofore advised.

[SEAL.]

LARRABEE, *Acting Commissioner*.

(39)

MUSQUIZ, June 26, 1906.

J. W. SCOTHORN, *Guthrie*:

Bentley in jail for good. Will be held as a common prisoner. Have authority to proceed with investigation without molestation.

[SEAL.]

G. A. OUTCELT.

(40)

MUSQUIZ, June 27, 1906.

LIC. JULIO GALINDO, *Monterey*:

Come immediately to represent Bentley, agent Kickapoo Indians. Under arrest. Fee and expenses guaranteed. Answer paid.

[SEAL.]

ENRIQUE C. CASTELLANOS.

(41)

(Urgento.)

MONTEREY, June 27, 1906.

ENRIQUE C. CASTELLANOS, *Musquiz*:

Wire me cause of Bentley's arrest and will decide; urgent.

[SEAL.]

JULIO GALINDO.

(42)

MUSQUIZ, June 27, 1906.

LIC JULIO GALINDO, *Monterey*:

Charged with fraudulent transfers to titles of lands in United States; but unsupported in preliminary examination; you defend and prosecute. Come immediately. Answer paid.

[SEAL.]

ENRIQUE C. CASTELLANOS.

(43)

MONTEREY, June 27, 1906

ENRIQUE C. CASTELLANOS, *Musquiz*:

Am leaving by to-night's train, but can only stay one day, probably.

[SEAL.]

JULIO GALINDO.

(44)

MUSQUIZ, June 28, 1906.

ALBERTO GUAJARDO, *Monterey*:

B. has Monterey lawyer. Long is taking interest in case. He says action taken against Bentley is illegal and that Galindo will have all Indians who testified and all us Americans in jail.

[SEAL.]

GEO. OUTCELT.

(45)

MONTEREY, June 29, 1906.

GEO. A. OUTCELT,

Care of R. C. Conine, *Musquiz*:

I believe right if you telegraph your ambassador in Mexico, telling him B. and his partner, Long, works actively causing you troubles to defeat your investigation and how they all are interested in the question. I telegraph to-day judge or governor. Back next Sunday.

[SEAL.]

L. A. GUAJARDO.

(46)

C. P. DIAZ, June 28, 1907.

L. C. GRIMES, *Musquiz*:

Palpahthahpeah's mother, the boy, and John Pecan came in with Bonnett this morning.

[SEAL.]

RUSSELL JOHNSON.

(47)

MUSQUIZ, June 29, 1906.

W. L. CHAPMAN, *C. P. Diaz*:

Good prospects tomorrow. Indians ready to come. Defendant holds them as witnesses. Outcelt's case looks good. Moore leaves with Wa-pe-che-qua and others.

[SEAL.]

A. T. BROWN.

(48)

SALTILLO, June 29, 1906.

SECRETARY OF THE JEFATURA POLITICA OF THE NORTH

OF THE DISTRICT OF MONCLOVA, *Musquiz*:

I to-day advise first judge of letters of Monclova, among other things, the following: "Bellevé convenient that you go to Musquiz to intervene in the business treated of, assisting commissioners of American Government regarding Kickapoo Indians in their investigations; you can apply to office of Jefatura Politica, where are found antecedents which will be shown you, so that you can act in the case in accordance with instructions transmitted by this Government," which I advise you for your information and can act in accordance with what is transcribed.

The Governor.

Copy.

[SEAL.]

MIGUEL CARDENAS.

(49)

MUSQUIZ, June 29, 1906.

Governor MIGUEL CARDENAS, *Saltillo*:

I have the honor to reply as understood your telegram of to-day. Your orders will be duly complied with.

Copy of the original at official request.

[SEAL.]

AMORANTO FALCON.

Secretary.

(50)

MONTEREY, June 29, 1906.

IGNACIO ELIZONDO RIVAS, *Musquiz*:

Remit records Indians Monclova. Assist with all prudence American commissioners.

Copy at official request.

[SEAL.]

L. A. GUAJARDO.

(51)

MONTEREY, June 29, 1906.

AMORANTO FALCON, *Musquiz*:

Inform me to-day who have been formally declared prisoners and if cause Bentley was sent Monclova.

Copy at official request.

[SEAL.]

L. A. GUAJARDO.

(52)

MUSQUIZ, June 30, 1906.

Governor MIGUEL CARDENAS, *Saltillo*:

73 45 42 98 99 70 48 40 98 99 le 91 has entered into tranquil period due prudent intervention judge of letters arrested 48 40 98 le 91 it was dangerous for some distinguished persons 93 42 43 98 40 45 hand work 75 70 98 74 70 44 30 42 90 45 73 48 40. American commissioner told the judge he needs to continue the investigation commenced, and latter is of opinion that administratively be given to commissioners guarantees and protection necessary. Will so do if you think convenient.

The J. F.

Copy.

[SEAL.]

L. A. GUAJARDO.

(53)

MUSQUIZ, June 30, 1906.

Señor LIC. MIGUEL CARDENAS, *Governor of the State, Saltillo*:

To-day I arrived here and intervened in matter Kickapoos. There does not exist 67 56 14 98 09 60 98 91 17 55 07 60 97 98; will write to-morrow.

The first J. of L.

[SEAL.]

F. VALDES LLANO.

(54)

C. P. DIAZ, June 29, 1906.

W. L. CHAPMAN, *Musquiz*:

Benson wires to wire him numbers and price before buying. Bentley, Secretary Brown's particular friend, is here. Come overland.

[SEAL.]

RUSSELL JOHNSON.

(55)

A. T. BROWN, *Musquiz*:

EAGLE PASS, TEX., June 30, 1906.

Come on first train and bring roll. No roll here.

[SEAL.]

W. L. CHAPMAN.

(56)

MUSQUIZ, June 30, 1906.

JOAQUIN G. RODRIGUEZ, *Sabinas*:

Arrest any Indians taking train in Sabinas or passing through, except group accompanied by Grimes. I send this by permission of Guajardo. Have all trains watched.

[SEAL.]

R. C. CONINE.

(57)

SABINAS, July 1, 1906.

L. A. GUAJARDO, *Musquiz*:

On train of to-day; passed party of Indians accompanied by Grimes; sent commandant same train.

Copy of the original at official request.

[SEAL.]

J. G. RODRIGUEZ.

(58)

*Urgent.*

SABINAS, July 1, 1906.

L. A. GUAJARDO:

There is no advice of Bentley. Here is Roman Galan, W. S. Field, and Indian Poparnicio; they go direction of Diaz. The Indian detained appears to know about the matter but will not talk. Give me instructions.

J. G. RODRIGUEZ.

Copy from original at official request.

[SEAL.]

(59)

MUSQUIZ, July 1, 1906.

Mr. GEORGE GRAHAMs,

*Maverick Hotel, Eagle Pass, Tex.:*

Look out for Indians. Wire Thackery get numbers John Pecan, Charley White, land. Will write you.

[SEAL.]

CLARK.

(60)

C. P. DIAZ, July 2, 1906.

G. A. OUTCELT, *Hotel Central, Musquiz:*

Did Robert leave? Tell him I am disgusted. Will go San Antonio tomorrow. Wire.

[SEAL.]

Mrs. R. C. CONINE.

(61)

MUSQUIZ, July 2, 1906.

Mrs. R. C. CONINE, *C. P. Diaz:*

Robert leaves to-night. Have been in court every day since saw you. Want to see you and the babies before I go home.

[SEAL.]

G. A. OUTCELT.

(62)

ALLENDE, COAH., July 2, 1906.

Jefe Politico ALBERTO GUAJARDO, *Musquiz:*

Bentley will take to-day's train. I ask that you give orders police of C. Porfirio Diaz for his apprehension upon arrival of train at station.

[SEAL.]

R. C. CONINE.

Copy.

(63)

MUSQUIZ, July 2, 1906.

JOAQUIN G. RODRIGUEZ, *Sabinas:*

Note your message of to-day. There is no order arrest of E. W. Sweeney.

The J. P.

[SEAL.]

L. A. GUAJARDO.

Copy of the original at official request.

(64)

SABINAS, COAH., July 2, 1906.

L. A. GUAJARDO, *Musquiz:*

E. W. Sweeney detained last night. Released for lack of order arrest. Will leave on train of to-day for Eagle Pass. Give me instructions.

[SEAL.]

J. G. RODRIGUEZ.

Copy at official request.

(65)

SABINAS, July 2, 1906.

Mr. GEO. OUTCELT, *Musquiz:*

American Consul Martin will be in Musquiz to-day. Pamanaktha gone with us.

[SEAL.]

A. F. BROWN.

(66)

MUSQUIZ, July 2, 1906.

Governor LIC. MIGUEL CARDENAS, *Saltillo:*

32, 25, 42, 49, 30, the 10, 35, 30, 18, is known, 85, 35, 30, 88, 70 considerable party, 44, 42, the 85, from here taking them direction of Rio Bravo six days ago.



The 10, 35, 70, 18, is principal 80, 85, they are still here, watching the 28. They hide, 33, 18, 84, 82, the 10, 33, in the 36, 40, 32, 33 of the 39, 73, 10, 35, 70, 18 is 33, 81, 83 has ranch 82, 18, 30 from 30, 85, the 10, 75, 30, 18 is protector of the rest.

It is a long time that those men live stealing from one side to the other of the river. I can dispose of two gendarmes, public security. I have ready four more to organize immediate pursuit 15, 73, 85, 99, 33, 80, 39, 35, 43, 30 sending one competent man as chief of party, because it is probable that 15, 33, 11, 73, that 88, 33, 99, 43, 35 them if feels 18 persecution. Two Kickapoo robbers go accompanying Mexican robbers.

Copy of the original at official request.

L. A. GUAJARDO.

(87)

MUSQUIZ, VIA DIAZ, July 3, 1906.

RUSSELL JOHNSON, *Eagle Pass*:

Grimes left with Ahkiskuck Pahnakheththo and Cha-cha-ko-the-wa.

[SEAL.]

R. C. CONINE,  
First National Bank.

(68)

C. P. DIAZ, July 3, 1906.

JOE CLARK, *Musquiz*.

(Care of Hotel Central.)

Since writing arranged to stay. Bring or send any you can sign. Wire me prospects care of Maverick. Write me full details if send.

[SEAL.]

GEO. GRAHAM.

(69)

MUSQUIZ, VIA DIAZ, July 4, 1906.

GEO. GRAHAM, *Maverick Hotel, Eagle Pass*:

Grimes Ahkiskuck, Pahnakheththo on train tomorrow. Land will sell for eight thousand. Will write to-morrow.

[SEAL.]

CLARK.

(70)

C. P. DIAZ, July 3, 1906.

L. C. GRIMES or Dr. A. C. CONINE, *Musquiz*:

Brown Chapman rest start for Musquiz to-night.

[SEAL.]

Mr. RUSSELL JOHNSON.

(71)

MUSQUIZ, July 5, 1906.

JOAQUIN G. RODRIGUEZ, *Sabinas*:

Meet me without fail to-morrow morning.

[SEAL.]

R. C. CONINE.

(72)

MUSQUIZ, VIA DIAZ, July 5, 1906.

W. L. CHAPMAN, *Eagle Pass*:

Will start with Wahkoquah, Ah-che-tha-to-quah, Waththeckkonahah, Keenah-kothet, Keeahthakumoqua, Mahquotheeck.

A. F. BROWN.

(73)

MAVERICK HOTEL,  
*Eagle Pass, Tex., via C. P. Diaz, July 5, 1906.*

A. T. BROWN, *Musquiz*:

Opposition secured Indians. Want to see you before I go.

[SEAL.]

W. L. CHAPMAN.

(74)

SHAWNEE, OKLA., VIA C. P. DIAZ, July 6, 1906.

GEO. OUTCALT:

Please manifest checks and pay off interpreter. Mailed to you at Musquiz.

[SEAL.]

THACKERY, Superintendent.

(75)

SABINAS, July 6, 1906.

L. A. GUAJARDO, *Musquiz*:

Stopped group of Bentley Indians. Some of them are important witnesses against Bentley. I would like to have them returned to Musquiz in charge of policeman. Joaquin out of town. I missed train, but my Indians went on.

[SEAL.]

R. C. CONINE.

(76)

MUSQUIZ, July 7, 1906.

Doctor CONINE, *Sabinas*:

(Care Comandante de Policia.)

See President about Indians returning. He has orders. You will indicate them to him.

[SEAL.]

L. A. GUAJARDO.

(77)

SABINAS, July 6, 1906.

Sr. L. A. GUAJARDO, *Musquiz*:

To-day 4 Indians and 7 Indian women leave, accompanied by the Chief M and one gendarme.

Copy made at official request.

[SEAL.]

J. G. RODRIGUEZ.

(78)

SALTILLO, July 7, 1906.

Jefe Politico, L. A. GUAJARDO, *Musquiz*:

Mr. M. Bentley sends message of yesterday, the following:

"Fifteen American citizens, clients of mine, have been prohibited by the police without cause, to leave Sabinas, on the train without permission of Guajardo. Would you have the kindness to order that they be given liberty to leave?" Please inform me what there is in the matter.

The Governor.

MIGUEL CARDENAS.

Copy made at official request.

[SEAL.]

(79)

MUSQUIZ, July 8, 1906.

Governor LIC. MIGUEL CARDENAS:

At request American commissioner four Indian witnesses were summoned last Wednesday. Instead of attending they hid, leaving their camp at night, accompanied by agents and Indian wife of Bentley, to take train Sabinas. At request commissioner I telegraphed municipal president to return those four Indians, and with them returned seven women and children. Commissioner claiming that agents Bentley disturb stubbornly his investigation, disseminating the Indians, threatening them and hiding them; have ordered the advise their leaving to issue them passes, which are given to all who ask them. That must be permit to which Bentley refers.

They are not fifteen American citizens, as Bentley says, but four Indians who were returned to answer summons requested by commissioner. Explanations by mail.

Copy of the original at official request.

[SEAL.]

L. A. GUAJARDO.

(80)

SALTILLO, July 9, 1906.

Jefe Politico, L. A. GUAJARDO, *Musquiz*:

Have noted your message of yesterday, and await the reports by mail which you advise me.

The Governor.

MIGUEL CARDENAS.

Copy made at request officially.

[SEAL.]

(81)

MUSQUIZ, July 11, 1906.

Governor LIC. MIGUEL CARDENAS, *Saltillo*:

32, 35, 42, 49, 30 the 10, 35, 30, 18, is known, 85, 35, 30, 88, 70 party considerable 44, 42, the 85 from here taking them direction of Rio Bravo about six days ago. They hide 33, 18, 84, 82 the 10, 33 in the 36, 40, 32, 33 of the 39, 73, 10, 35,

70, 18 is 33, 81, 83 has ranch 82, 18, 80 of the 30, 85 the 10, 75, 30, 18 is protector of the rest.

For a long time those men have been living robbing from one and the other side of the river. I can dispose of two gendarmes public security, have ready four more to organize immediate persecution 15, 73, 85, 90, 33, 80, 39, 35, 43, 30 sending one competent man as chief of party because it is probable that 15, 33, 11, 73 that 88, 33, 99, 43, 35 them if he feels 18 persecution. Two Kickapoo robbers go accompanying Mexican robbers.

[SEAL.]

L. A. GUJARDO.

(82)

EAGLE PASS, TEX., July 7, 1906.

Dr. R. C. CONINE, *Musquiz*:

Worromot emocsmirg yad ot lairt gnivah secupont dengis.

A. T. BROWN.

[Translation.]

Signed Ta-pa-she having trial to-day. Grimes come to-morrow.

[SEAL.]

(83)

MUSQUIZ, July 8, 1906.

A. T. BROWN, *Eagle Pass*:

Oderal ot elbarovaf si sdrazah lla ta stnenopo kaerb lliw erutuf rof sepoH dna stseuqer tuarg lliw reve naht regnorts ekud llew slla syobteg.

R. C. CONINE.

[Translation.]

Get boys. All's well. Duke stronger than ever. Will grant requests and hopes for future; will break opponents up at all hazards; is favorable to Laredo.

[SEAL.]

(84)

C. P. DIAZ, July 9, 1906.

R. C. CONINE, *Musquiz*:

Ydaets gnihyreve peek ereht teg ot elbissopmi tuo dehsaw daor gnimoc si nampahc.

A. T. BROWN.

[Translation.]

Chapman is coming. Road washed out. Impossible to get there. Keep everything steady.

[SEAL.]

BROWN.

(85)

MUSQUIZ, July 11, 1906.

A. T. BROWN, *C. P. Diaz*:

Yadot naretorrah ot og sehcaoC. snaem lla yb ereh teg ydobemos. latnem-irted eb yam ecnesba deunitnoc ruoy. ekud no gnikrow tnega evaH. noitis-oppO.

R. C. CONINE.

[Translation.]

Opposition have agent working on duke. Your continued absence may be detrimental. Somebody get here by all means. Coaches go to Barroteran to-day.

[SEAL.]

(86)

MUSQUIZ, July 11, 1906.

B. S. TEAL, *San Antonio, Tex.*:

Tell King wait. We will buy your place. Go Monday.

[SEAL.]

R. C. CONINE.

(87)

MUSQUIZ, *July 14, 1906.*

LIC. FRANCISCO VALDES LLANO, *Monclova:*

Can you come Monday and bring clerk and court interpreter? This is special business, and want you for legal advice, and will pay proper fee.

[SEAL]

R. C. CONINE.

(88)

MUSQUIZ, *July 14, 1906.*

CARLOS RIOS, *Monclova:*

Sr. Alberto Guajardo passes through there to-night. Says to await at station without fail. Important matter.

[SEAL]

R. C. CONINE.

Copy of original at official request.

[SEAL]

(89)

MUSQUIZ, *July 16, 1906.*

FRANCISCO VALDES LLANO, *Monclova:*

To-morrow, Tuesday, alright; come without fail. Business important and urgent.

[SEAL]

R. C. CONINE.

(90)

MUSQUIZ, *July 16, 1906.*

FRANCISCO VALDES LLANO, *Monclova:*

Have arranged with driver of mail coach to bring you to-morrow from Las Esperanzas.

[SEAL]

R. C. CONINE.

(91)

MUSQUIZ, *July 16, 1906.*

ALBERTO GUAJARDO, *Hotel Iturbide, Monterey:*

Please telegraph Caledonio Galan to deliver to your secretary copy Bentley deeds. Will not deliver them without instructions from you.

[SEAL]

G. A. OUTCELT.

(92)

MUSQUIZ, *July 18, 1906.*

L. A. GUAJARDO, *Monterey, 15 Mayo, No. 84:*

Having offered you two days ago, I delivered copy.

[SEAL]

C. GALAN.

(93)

MUSQUIZ, *July 17, 1906.*

M. P. BROWN, *22 Park place, Oklahoma City:*

Have your bank wire First National Bank of Eagle Pass three thousand dollars to my credit.

[SEAL]

A. T. BROWN.

(94)

MUSQUIZ, *July 18, 1906.*

FIRST NATIONAL BANK, *Eagle Pass:*

Express me to-day two thousand Mexican money.

[SEAL]

W. L. CHAPMAN.

(95)

MUSQUIZ, *July 17, 1906.*

ERIQUE J. OLFERVIDES, *Monclova:*

Please see Sostenes Ramos and tell him to send me seal of the court by mail to-day.

Copy.

[SEAL]

J. VALDES LLANO.

(96)

MUSQUIZ, *July 17, 1906.*

DON ALBERTO GUAJARDO,

*15 de Mayo No. 84, Monterey:*

When can you return? Answer paid.

Copy.

[SEAL.]

R. C. CONINE.

(97)

MUSQUIZ, *July 17, 1906.*

Sr. L. A. GUAJARDO,

*Monterey, 15 de Mayo, No. 84:*Lawyer Valdes Llano arrived to-day expressing desires you were here.  
Matter Indians.

[SEAL.]

Copy.

IGNACIO E. RIVAS.

(98)

MUSQUIZ, *July 17, 1906.*

Sr. L. A. GUAJARDO,

*Monterey, 15 de Mayo, No. 84:*

11, 30, 42, 35, 34, 30, 42, 98, 34, 43, 39, and 73, 90, 36, 43, 39. 98 ee, 10, 40, 10, 48, 40, 38, 30, 35, 40, pro 34, ee 10, 43, 98, 32, far 19, 15, 40, 35 when will 11, 30, 42, 34, 30, 44, 40.

[SEAL.]

Copy.

R. C. CONINE.

(99)

MUSQUIZ, *July 18, 1906.*

Sr. L. A. GUAJARDO,

*Monterey, 15 de Mayo, No. 84:*I am in accord with indication of your message. I leave to-day for Monclova.  
Will return in three days.

[SEAL.]

Copy.

J. VALDES LLANO.

(100)

MUSQUIZ, *July 18, 1906.*

L. A. GUAJARDO,

*Monterey, 15 de Mayo, No. 84:*

Party Indians, directed by wife, Bentley, and Okema, attempted to leave to-day direction of C. P. Diaz, notwithstanding the municipal president denied them the corresponding pass. They were detained by the police.

[SEAL.]

Copy.

AMARANTE FALCON.

(101)

MUSQUIZ, *July 18, 1906.*Col. F. GARCIA, *C. P. Diaz:*

To-day President summoned Senora, went hour summoned, President did not come; upon taking train they detained the Indian interpreter and six or eight Indians more who were with us; possibly we will leave to-morrow.

The Chief.

[SEAL.]

Copy.

ERASMO HERRERA.

(102)

MUSQUIZ, *July 18, 1906.*Col. FRUCTUOSO GARCIA, *C. P. Diaz:*

Yesterday we arrived Indian camp; last night employee went ordering Senora; could not stay there longer; we have just arrived.

The Chief.

[SEAL.]

Copy.

ERASMO HERRERA.

(103)

MUSQUIZ, July 19, 1906.

Governor LIC. MIGUEL CARDENAS:

White wife of Bentley is here accompanied by a gendarme of C. P. Diaz. The gendarme, she, and her agents have visited Indian camp and arrange actively to take to C. P. Diaz a group of Indians. American commissioner requests officially assistance of authorities to prevent leaving of Indian band account going there with various witnesses, which he needs and whom Bentley desires by all means to take. 34, 35, 40, 30, that 73, 48, 42, 45, 73, 98, 19, 73, 98, 19, 30, 42, 98, 30, 45, as 30, 19, 35, 30, 45.

Commissioner 40, 17, 43, 32, 40, 98, 19, 40. Wife Bentley 43, 98, 45, 30, 39, 40, 98, 19, 40, can 49, 35, 30, 10, 42, 34, 43, 35 some 10, 43, 38, 43, 34, 42, 39, 19, 13, 10.

[SEAL.]  
Copy.

L. A. GUAJARDO.

(104)

MUSQUIZ, July 20, 1906.

FRANCISCO VALDES LLANO, *Monclova*:

Come on first train. Meet you in Esperanzas to-morrow.

[SEAL.]

R. C. CONINE.

(105)

MUSQUIZ, July 21, 1906.

J. W. SCOTHORN, *Guthrie, Okla., via Diaz*,

*U. S. Attorney, Guthrie, Okla., U. S. A.:*

Have been opposed by Bentley in every way possible June 23d before could talk to Indians. Met opposition in courts and public offices by Bentley, and could not get copies of Mexican deeds until the 16th instant. Authorities took charge of Indian's camp yesterday and no Indians allowed to leave. Can get through in a week.

[SEAL.]

G. A. OUTCELT.

(106)

MUSQUIZ, July 21, 1906.

FRANK A. THACKERY,

*Shawnee, Okla., via Diaz*:

Can get through in a week. Talk to Embry, Scothorn.

[SEAL.]

G. A. OUTCELT.

(107)

MUSQUIZ, July 21, 1906.

JOHN J. EMBRY,

*U. S. Attorney, Guthrie, Okla., U. S. A., via Diaz*:

Congratulate you. Can start as soon as can settle with Mexican courts. May have to wait mail for money. See Scothorn. Answer.

[SEAL.]

G. A. OUTCELT.

(108)

MUSQUIZ, July 26, 1906.

JOHN EMBRY.

*U. S. Attorney, Guthrie, Okla., via Diaz*:

Reported arrest untrue. Will leave for home to-night or to-morrow.

[SEAL.]

G. A. OUTCELT.

(109)

GUTHRIE, OKLA., VIA C. P. DIAZ, July 31, 1906.

GEO. OUTCELT, *Ast. U. S. Attorney,*

*Musquiz*:

Attorney-General directs that you return at once. Wire me when you start.

[SEAL.]

U. S. ATTORNEY.

(110)

MUSQUIZ, July 18, 1906.

MARTIN J. BENTLEY, *P. Diaz*:

(Care of American Consul.)

Sixteen Indians and I were not permitted to take train.

[SEAL.]

IDA BENTLEY.

(111)

Musquiz, July 23, 1906.

M. J. BENTLEY, *C. P. Diaz*:

Saw Guajardo this morning and he says boys may talk to Indians and they may go to Eagle Pass by asking his permission. Can learn of no charge against you. Send my mail.

[SEAL.]

W. C. DOUGLASS.

(112)

C. P. DIAZ, July 25, 1906.

AGENT, *Musquiz*:

You may furnish W. C. Douglass as many third-class tickets as he needs, Musquiz to Diaz. Advise number issued and will remit.

[SEAL.]

T. W. MINERHET.

(113)

Musquiz, July 25, 1906.

FRANK A. THACKERY,

*Shawnee, Okla., via Diaz*:

Please send the two deeds in twenty-three to Musquiz.

[SEAL.]

L. C. GRIMES.

(114)

C. P. DIAZ, July 26, 1906.

EL. P. ERNEY, *Musquiz*:

(Care of R. Galan.)

Bonnet returns there to-morrow to get Indians Washington. Hold them. Send word tell them you come to Barroteran meet Bonnet.

[SEAL.]

M. J. BENTLEY.

(115)

C. PORFIRIO DIAZ, July 26, 1906.

L. A. GUAJARDO,

*Jefe Politico, Musquiz*.

Account of having returned yesterday before Governor answered matter relative to granting permit to leave there to some American Indians, request you to advise me by this means the reply which I ask.

Copy.

W. C. DOUGLASS.

[SEAL.]

(116)

C. P. DIAZ, July 26, 1906.

JOHN A. BONNET, Esq., *Vice and Deputy Consul, Musquiz*:

I have orders from Department at Washington to investigate Kickapoo matter. Summons and bring before me the following Indians: Okemah, Wapchequa, Jim Deer, Mahtawa, and John Mine, to testify touching this matter. Answer paid.

[SEAL.]

LOUIS MARTIN, *American Consul*.

(117)

SHAWNEE, OKLA., July 27, 1906.

A. L. BROWN, *Musquiz, via C. P. Diaz*:

Benson will furnish five thousand more. Make law take deed in your name. Have instructed bank at Eagle Pass take deed from two forty seven as sole heir to two forty eight. The Government has put out all future business. Can't return.

[SEAL.]

W. L. CHAPMAN.

(118)

DE MUSQUIZ A SHAWNEE, OKLA.,

VIA C. P. DIAZ, July 27, 1906.

Mr. J. C. BENSON:

Everything in the air; will be home on first train.

[SEAL.]

A. T. BROWN.

(119)

De Musquiz a C. P. DIAZ, July 27, 1906.

M. J. BENTLEY:

Indians again held. Outcult remains. Am holding Indians in town over night.

[SEAL.]

E. P. EL.

(120)

C. P. DIAZ, *July 28, 1906.*

JOHN BONNET,

*Deputy Consul, Musquiz:*

If you are prevented come at once to the consulate.

[SEAL.]

LEWIS A. MARTIN, *American Consul.*

(121)

SABINAS, *July 27, 1906.*

IGNACIO E. RIVAS, *Musquiz:*

You can issue permit for leaving Indians taking note of 93, 42, 43, 44, 98, 39, 39, 49, 43, 10, 40, and issuing passes expressing the names of the Indians.

L. A. GUAJARDO.

Copy.

[SEAL.]

(122)

MUSQUIZ, *August 6, 1906.*

A. T. BROWN, *Shawnee, Okla., via C. P. Diaz:*

Wire number and description of Pah-pah-me-na-ko-the. Allotment yet unsold goes to Eagle Pass to-morrow. Bonnet get if I don't.

[SEAL.]

R. C. CONINE.

(123)

MUSQUIZ, *August 6, 1906.*

A. T. BROWN, *Shawnee, Okla., via C. P. Diaz:*

Situation bum. Buy land best price. Let have at cost. Then have to help to protect self; wrote to-day.

[SEAL.]

R. C. CONINE.

(124)

SHAWNEE, OKLA., *August 8, 1906.*

Dr. R. C. CONINE,

*Musquiz, via C. P. Diaz:*

Take Pah-pah-me-na-ko-the description and price will be at Barroteran.

[SEAL.]

A. T. BROWN.

(125)

MUSQUIZ, *August 10, 1906.*

Mrs. R. C. CONINE:

Send me fifty next mail. Many happy returns of the day.

[SEAL.]

R. C. CONINE.

(126)

MUSQUIZ, *August 10, 1906.*

A. T. BROWN,

*Shawnee, Okla., via C. P. Diaz:*

Come help or I leave immediately. Something here. Do you want it?

[SEAL.]

R. C. CONINE.

(127)

SHAWNEE, OKLA., *August 11, 1906.*

R. C. CONINE,

*Musquiz, via Diaz:*

Just received letter. Understand all; that makes things look better.

[SEAL.]

A. T. BROWN.

(128)

SHAWNEE, OKLA., *August 10, 1906.*

Dr. R. C. CONINE,

*Musquiz, via C. Juarez:*

Will leave Monday for Musquiz. Hold everything in shape for Brown. Land

P. T. Answer.

[SEAL.]

W. L. CHAPMAN.

(129)

SHAWNEE, OKLA., *August 11, 1906.*

R. C. CONINE,

*Musquiz, via Diaz:*

Will start first train for Musquiz.

[SEAL.]

W. L. CHAPMAN.



(130)

HARBAH, OKLA., August 12, 1906.

R. C. CONINE, *Musquiz, via Nogales:*

Don't let Chapman do anything. Will explain when there.

[SEAL.]

L. C. GRIMES.

(131)

SAN ANTONIO, TEX., VIA LAREDO, August 14, 1906.

R. C. CONINE, *Musquiz:*

Meet me at Barroteran to-morrow night.

[SEAL.]

W. L. CHAPMAN.

(132)

MUSQUIZ, August 18, 1906.

FIRST NATIONAL BANK,

*Eagle Pass, Tex., via C. P. Diaz:*

Ship me by express 500 pesos. Mail receipt.

[SEAL.]

W. L. CHAPMAN.

(133)

MUSQUIZ, August 18, 1906.

A. T. BROWN,

*Shawnee, Okla., via C. P. Diaz:*

No interpreter here. Can't do anything without one. Come with Henry Murdock at once. Wire when coming.

[SEAL.]

W. L. CHAPMAN.

(134)

SHAWNEE, OKLA., VIA C. P. DIAZ, August 20, 1906.

W. L. CHAPMAN, *Musquiz:*

I can't possibly come. Can't get Murdock to come. Can send Joe Whipple and Grimes to-morrow if satisfactory. Whipple is the best in tribe. Answer.

[SEAL.]

A. T. BROWN.

(135)

SHAWNEE, OKLA., VIA C. P. DIAZ, August 20, 1906.

W. L. CHAPMAN, *Musquiz:*

Can't possibly get Murdock-Thackery, guardian will get Joe Whipple if can. I can't; impossible. They will send Grimes if satisfactory. Answer.

[SEAL.]

A. T. BROWN.

(136)

MUSQUIZ, August 20, 1906.

A. T. BROWN, *Shawnee, Okla., via C. P. Diaz:*

Don't understand telegram. Can not use Grimes at all.

[SEAL.]

W. L. CHAPMAN.

(137)

MONCLOVA, August 20, 1906.

R. C. CONINE, *Musquiz:*

Caplas ready; it is necessary you come to this city.

[SEAL.]

F. VALDES ILANO.

(138)

C. P. DIAZ, August 21, 1906.

W. L. CHAPMAN, *Musquiz:*

Wire if we shall debit your account check dated August 6, A. T. Brown, your favor, \$200.

[SEAL.]

FIRST NATIONAL BANK.

(139)

MUSQUIZ, August 23, 1906.

FIRST NATIONAL BANK,

*Eagle Pass, Tex., via C. P. Diaz:*

Charge check to my account. Send balance to me by first express.

[SEAL.]

W. L. CHAPMAN.

(140)

SHAWNEE, OKLA., August 22, 1906.

Dr. R. C. CONINE, *Musquiz*:

Grimes and Whipple left yesterday on Katy for Musquiz.

[SEAL.]

A. T. BROWN.

(141)

MUSQUIZ, August 23, 1906.

J. VALDES LLANO, *Monclova*:

Come to Musquiz to-morrow. Wire if coming.

[SEAL.]

W. L. CHAPMAN.

(142)

MUSQUIZ, August 23, 1906.

F. VALDES LLANO, *Monclova*:

Can you continue to-morrow. All ready. Please answer.

Copy.

[SEAL.]

R. C. CONINE.

(143)

MONCLOVA, August 24, 1906.

R. C. CONINE, *Musquiz*:

I arrived last night. I can go to-morrow; advise if I shall take interpreter.

Copy.

[SEAL.]

F. VALDES LLANO.

(144)

MUSQUIZ, August 24, 1906.

LIC. VALDES LLANO, *Monclova*:

Come to-morrow. I await you. Bring interpreter and secretary.

Copy.

[SEAL.]

R. C. CONINE.

(145)

MUSQUIZ, August 24, 1906.

ED. SMITH, *Eagle Pass, Tex., via C. P. Diaz*:

Is Bentley in Eagle Pass? Wire me collect.

[SEAL.]

R. C. CONINE.

(146)

MUSQUIZ, August 24, 1906.

Governor LIC, MIGUEL CARDENAS:

Kickapoo Indian Apichleua, alias "El Tuerto," captained band six Indian robbers for about two years, having committed frequent robberies recently in various towns of these districts. He was apprehended with two stolen horses. At daylight to-day he escaped from the jail on foot. Three men followed him, and at about half a league, direction camp of Indians, Texans, they caught up with a group of five or six Indians, who opened fire on pursuers, shooting at them for some time. The Indians fled, leaving dead the said leader. According to examination of the land the Indians carried carbines, caliber .30-.30, and some pistols. I suspect it was escape prepared and helped by the same Indians. All tranquil.

The J. P. L. A. GUAJARDO.

Copy.

[SEAL.]

(147)

SAN ANTONIO, TEX., VIA N. LAREDO, August 27, 1906.

Dr. R. C. CONINE, *Musquiz*:

Need money for to buy land. Will send it, or Ralph can go. Wire me.

[SEAL.]

CARMEN CONINE.

(148)

SAN ANTONIO, TEX., VIA C. P. DIAZ, August 28, 1906.

Dr. R. C. CONINE, *Musquiz*:

Shall I buy Teel property before going home, or not.

[SEAL.]

CARMEN CONINE.

(149)

MUSQUIZ, September 9, 1906.

GEO. A. OUTCELT, *Guthrie, Okla.*:

Find if deed been taken to allotment 248 and wire at once, my expense.

[SEAL.]

R. C. CONINE.

(150)

NOWHERE, September 10, 1906.

R. C. CONINE, *Musquiz*:

No sale required at register of deeds' office.

[SEAL.]

G. A. OUTCELT.

(151)

MUSQUIZ, October 6, 1906.

GEO. A. OUTCELT, *Guthrie, Okla., P. Diaz*:

Is deed from Pah-pah-me-na-ko-the to allotment 248 good? Wire at my cost to Eagle Pass.

[SEAL.]

R. C. CONINE.

(152)

MUSQUIZ, November 23, 1906.

GEO. A. OUTCELT, *Attorney at Law, Tecumseh, Okla.*:

Kindly investigate if Wah-pah-ho-ko woman's land is free. I can sell it to you. Answer.

[SEAL.]

A. L. ELIZONDO.

(153)

MUSQUIZ, November 16, 1906.

Mrs. R. C. CONINE, *Tecumseh, Okla., P. Diaz*:

Everything all right. May be home in few days.

[SEAL.]

R. C. CONINE,  
Care of G. A. Outcalt.

(154)

MUSQUIZ, November 26, 1906.

M. L. C. GRIMES, *Harrah, Okla.*:

You come over here, Musquiz, Coah., Mex. I meet you.

[SEAL.]

MACK JOHNSON.

(155)

MUSQUIZ, December 30, 1906.

JOHN GARRETT, *Shawnee, Okla., via Diaz*:

Can you put off those trials? Important business here. Arrange for me to draw fifteen hundred. Haven't drawn yet. Answer.

[SEAL.]

L. C. GRIMES.

(156)

MUSQUIZ, December 30, 1906.

Mrs. L. C. GRIMES, *Harrah, Okla.*:

How is everything? Be home soon. All well. Ans.

[SEAL.]

L. C. GRIMES.

(157)

MUSQUIZ, December 31, 1906.

L. C. GRIMES, *Monclova*:

Have all of them, including Kah-ke-ne-peah, meet us in Barroteran in the morning. On our way for Eagle Pass.

[SEAL.]

J. R. JACOBS.

(158)

SHAWNEE, OKLA., VIA C. LAREDO, December 31, 1906.

L. C. GRIMES, *Musquiz*:

Will leave Wednesday. Bring money. Cases continued. Did you need money at Eagle Pass. Answer.

[SEAL.]

JOHN GARRETT.

(159)

MUSQUIZ, January 1, 1907.

JOHN GARRETT:

Seven hundred drawn. Everything all right.

[SEAL.]

L. C. GRIMES.

(160)

MUSQUIZ, January 1, 1907.

W. L. CHAPMAN or C. J. BENSON, *Shawnee, C. P. Diaz:*

Send two hundred First National. Everything looks good.

[SEAL.]

L. C. GRIMES.

(161)

MUSQUIZ, January 1, 1907.

J. R. JACOBS, *Monclova:*

Trials put off. Come to Musquiz.

[SEAL.]

L. C. GRIMES.

(162)

MUSQUIZ, January 2, 1907.

J. R. JACOBS, *Eagle Pass:*

First National. Be there to-morrow. Trials put off. Garrett there to-morrow.

[SEAL.]

L. C. GRIMES.

(163)

MUSQUIZ, January 9, 1907.

JOHN GARRETT,

*Care Bert Hotel, Shawnee:*

How is everything? Has Jacobs started back? Ans.

[SEAL.]

L. C. GRIMES.

(164)

SHAWNEE, OKLA., VIA LAREDO, January 9, 1907.

L. C. GRIMES, *Musquiz:*

Can't leave till after 5th. You must be here the 5th, too.

[SEAL.]

JOHN GARRETT.

(165)

MUSQUIZ, MEXICO, April 25, 1907.

C. J. BROWN, *Shawnee, Okla.:*

I drew on First National Bank for \$100. Please protect.

[SEAL.]

TONY ALEXANDER.

(166)

MUSQUIZ, MEXICO, April 25, 1907.

FIRST NATIONAL BANK, *Eagle Pass, Tex.:*

I drew check \$100. Please protect. Wire C. J. Benson.

[SEAL.]

TONY ALEXANDER.

(167)

EAGLE PASS, TEX., May 6, 1907.

R. C. CONINE, *Musquiz, Mexico:*

Steve Mohawk, Effie Douglas gone to Shawnee. Can you get old woman here quick? Answer.

[SEAL.]

JOHN GARRETT.

(168)

MUSQUIZ, May 8, 1907.

W. L. CHAPMAN and BROWN,

*Shawnee, Okla., via Diaz:*

Absolutely necessary have First National Eagle Pass honor my check five hundred gold to secure depositions. Have bank notify Monclova bank. Will do our best. Ans. here quick.

[SEAL.]

R. C. CONINE.

(169)

SHAWNEE, OKLA., May 8, 1907.

R. C. CONINE, *Musquiz, Mexico:*

Have notified First National Bank, Eagle Pass, to take care of your check for five hundred.

[SEAL.]

A. T. BROWN.

(170)

SHAWNEE, OKLA., May 8, 1907.

R. C. CONINE, *Musquiz, Mexico:*

Do what is necessary to be done in taking depositions. Act as if the matter was your own and let us know. Chapman's family all sick, but will come if it is absolutely necessary. Wire us if you will do this.

[SEAL.]

BROWN and CHAPMAN.

(171)

MUSQUIZ, MEXICO, May 9, 1907.

FIRST NATIONAL BANK, *Eagle Pass, Tex.:*

Notify Agencia del Banca Mercantil here to cash my check for two hundred gold. Need this by 2 o'clock.

[SEAL.]

R. C. CONINE.

(172)

SHAWNEE, OKLA., May 11, 1907.

TONY ALEXANDER, *Musquiz, Mexico:*

Your services not required after May fifteenth. Must stop expenses.

[SEAL.]

C. J. BENSON.

(173)

MUSQUIZ, May 20, 1907.

JOHN GARRETT, *Shawnee, Okla., via Diaz:*

Send \$400 Eagle Pass for old woman. Answer.

[SEAL.]

L. C. GRIMES.

(174)

MUSQUIZ May 20, 1907.

C. J. BENSON,

*Shawnee, Okla., via Diaz:*

Evidence in Pah pah me na ko the case show Muchenene owns four-sixths of the northeast quarter section sixteen twelve one east. He wants \$600. Get him. Answer quick.

[SEAL.]

L. C. GRIMES.

(174a)

SHAWNEE, May 21, 1907.

L. C. GRIMES, *Musquiz:*

Judge Woods claims Much-e-ne-ne's interest not over one-ninth. Will give two hundred.

[MEXICAN SEAL.]

C. L. BENSON.  
(Es copia.)

(174b)

HARRAH, OKLA., May 20, 1907.

T. ALEXANDER, *Musquiz:*

Do you think work can be done at Musquiz? Answer.

[MEXICAN SEAL.]

L. C. GRIMES.  
(Es copia.)

(175)

MUSQUIZ, MEXICO, May 30, 1907.

L. C. GRIMES, *Harrah, Okla., via Diaz:*

All's O. K. Come at once. Answer.

[SEAL.]

T. ALEXANDER.

(176)

HARRAH, OKLA., May 30, 1907.

T. ALEXANDER, *Musquiz, Mexico:*

Do you mean work can be done at Musquiz? Answer.

[SEAL.]

L. C. GRIMES.

(177)

MUSQUIZ, June 3, 1907.

L. C. GRIMES, *Harrah, Okla.*:

Drew check on Eagle Pass, \$50. Protect at once. Indians anxious you return.  
Answer.

[SEAL.]

T. ALEXANDER.

(178)

ATOKA, June 6, 1907.

TONY ALEXANDER, *Musquiz, Mexico*:

Will be there Saturday. Check protected. Watch the gang.

[SEAL.]

L. C. GRIMES.

(179)

MUSQUIZ, June 10, 1907.

L. C. GRIMES,

*Harrah, Okla., via Diaz*:

Mean work Musquiz. O. K. Indians all here. Come at once or mail roll.

[SEAL.]

T. ALEXANDER.

(180)

EAGLE PASS, TEX., June 11, 1907.

TONY ALEXANDER, *Musquiz, Mexico*:

Don't come until you hear from me. Letter will follow.

[SEAL.]

L. C. GRIMES.

(181)

EAGLE PASS, TEX., June 15, 1907.

MR. TONY ALEXANDER, *Musquiz, Mexico*:

Bring Puck-ke-shin-no, Nah-ah-che-thot, Wah-pa-che-quah-quah. Interpreter Mack Johnson and the two girls came Monday. Answer.

[SEAL.]

L. C. GRIMES.

(182)

EAGLE PASS, TEX., June 17, 1907.

TONY ALEXANDER, *Musquiz, Mexico*:

Bring your boy if you think it all right. Answer.

[SEAL.]

L. C. GRIMES.

(183)

MUSQUIZ, Sept. 21, 1907.

MARK GOOD, *Eagle Pass*:

Come at once. Indians waiting two days. Take affidavits here.

[SEAL.]

CLARK.

(184)

*Maverick Hotel.*

DE C. P. DIAZ A MUSQUIZ, September 21, 1907.

JOE CLARK:

Money at hand. Will come to Musquiz to-day. Can we take affidavits there Monday, or shall we take them here? Answer Eagle Pass.

[SEAL.]

MARK GOOD.

(185)

MUSQUIZ, July 11, 1907.

W. S. FIELD, *C. P. Diaz*:

Jime, Deer, Pakota in jail merely because Outcalt says he wants them kept here. Something should be done. Can get no satisfaction from Guajardo.

[SEAL.]

E. P. E.

(186)

MUSQUIZ, July 11, 1906.

M. J. BENTLEY, *P. Diaz*:

No money. Telegraph one-arm man also orders.

[SEAL.]

E. P. E.

(187)

MUSQUIZ, July 13, 1906.

M. J. BENTLEY, *P. Diaz*:

Went camp last night. Indians hungry. Distributed funds. Gang arrived. I was arrested last night. Released morning. Outcult gang to pay lease money. Watch mail. Mills stopped town; wants some money. Send message to quiet Indians.

[SEAL.]

E. P. E.

(188)

MUSQUIZ, July 13, 1906.

M. J. BENTLEY, *P. Diaz*:

Indians despondent. Wish to settle and be left alone. Jim wants out of jail.

[SEAL.]

E. P. E.

(189)

MUSQUIZ, July 15, 1906.

M. J. BENTLEY, *P. Diaz*:

Celedonio Galan refuses to furnish Outcult copy of Frisko contract without your permission. Telegraph instructions.

[SEAL.]

E. P. E.

(190)

MUSQUIZ, July 16, 1906.

M. J. BENTLEY:

Whole gang camp yesterday. Lots mescal. Watch every train. Get in touch Sabinas.

[SEAL.]

E. P. E.

(191)

SALTILLO, June 23, 1906.

FIELD, *Musquiz*:

Interview with governor satisfactory. Baroteran Sunday morning.

[SEAL.]

M. J. BENTLEY.

(192)

MUSQUIZ, June 25, 1906.

W. A. BONNET, *Eagle Pass, Tex.*:

Come here next train. Arrested, need you. See Ludlow.

[SEAL.]

M. J. BENTLEY.

(193)

ESPERANZAS, June 26, 1906.

ROMAN GALAN, *Musquiz*:

Advise if Bentley is in jail and charge against him.

[SEAL.]

EDWIN LUDLOW.

(194)

C. PORFIRIO DIAZ, June 28, 1906.

E. P. ENRY, *Musquiz*:

Tell Indians Washington Mexico City. Big wire talk to-day. No more trouble sure. Wire movements.

[SEAL.]

M. J. BENTLEY.

AFTER RECESS.

The committee reassembled at 8 o'clock p. m.

J. P. MOORE, having been first duly sworn, testified as follows:  
Senator CURTIS. What position do you hold?

Mr. MOORE. I am manager of the Postal Telegraph Company in this city.

Senator CURTIS. As such have you in your possession telegrams sent from Shawnee to different parts of the United States where your line goes?

Mr. MOORE. Yes, sir.

Senator CURTIS. You had served on you a subpoena to produce certain dispatches. Have you them with you?

Mr. MOORE. I have.

Senator CURTIS. I wish you would produce them.

Mr. MOORE. I produce them under protest. I received a subpoena duces tecum and have produced the messages. I have no orders from my general manager in regard to this matter, and I therefore produce them under protest.

Senator CURTIS. Please produce them.

Mr. MOORE. The first dispatch is May 1, 1906.

B. S. McGUIRE, M. C., *Washington, D. C.:*

Send me copy bill removing restrictions Kickapoo Indians in Mexico.

WILLARD JOHNSTON.

The next is dated May 16, 1907:

HUGH SCOTT, *Hotel Raleigh, Washington:*

(Care Bird McGuire.)

Reported bill removing restrictions Kickapoos. Will not pass. Any changes since your letter. Answer quick.

C. M. CADE.

The next is—

SAN ANTONIO, TEX., *July 29, 1907.*

F. A. THACKERY, *Superintendent, S. D. Agent, Shawnee, Okla.:*

Wire me \$25 here.

G. A. OUTCALT.

The next is October 29, 1906:

A. S. PRATT & SONS, *Washington, D. C.:*

Send certified copy patent quick; east half southwest quarter 2-11-2. Ah-nes-she-nenne, Kickapoo allottee 136.

STATE NATIONAL BANK.

The next is—

WASHINGTON, D. C., *February 7, 1907.*

THACKERY, *Superintendent, Shawnee, Okla.:*

Senate committee is to investigate fully the affairs of the Mexican Kickapoos and all affairs connected therewith. Telegraph names of witnesses desirable to have appear.

LEUPP, *Commissioner.*

The next is—

WASHINGTON, D. C., *February 8, 1907.*

THACKERY, *Superintendent, Shawnee, Okla.:*

Collect all original papers and other evidence relating to cancellation of allotments during Bentley's administration and suits to set aside such cancellations, also papers relating to moneys received by him from Indians and suits to recover, same to be ready to come here at once. No answer received to telegram of the seventh. Answer.

LARRABEE, *Acting Commissioner.*

The next is—

FEBRUARY 8, 1907.

COMMISSIONER INDIAN AFFAIRS,

*Washington, D. C.:*

I suggest names of Peter Ratzleff, Joseph Clark, Henry Jones, Henry Murdock, William Murdock, Muchenene, Wahpepah, and Mashashe, and myself, in



Shawnee, Okla., Ed. Schmidt, of Eagle Pass, Tex., and Supervisor Dickson, as witnesses in the Kickapoo matters. Six of these are Indians and have no funds with which to make trip. After careful examination I may send two more names to-morrow.

THACKERY, *Superintendent.*

The next is—

COMMISSIONER INDIAN AFFAIRS,  
*Washington, D. C.:*

I am holding witnesses in readiness to appear in Kickapoo matter. Wire me if plans have been changed.

THACKERY, *Superintendent.*

The next is—

FEBRUARY 15, 1907.

COMMISSIONER INDIAN AFFAIRS,  
*Washington, D. C.:*

I am informed that Bentley and other purchasers of Kickapoo lands are now exerting themselves to have investigation closed, at least temporarily. I urge that witnesses I have named should be examined in Washington in same manner as Bentley's witnesses. Will be glad to have later investigation here.

THACKERY, *Superintendent.*

The next is—

FEBRUARY 16, 1907.

GEORGE OUTCELT,  
Care Bird McGuire,  
*Washington, D. C.:*

Please insist upon subpoena of myself, Joseph Clark, Samuel Patrick, and Leonard Hampton to appear at Washington.

THACKERY.

The next is—

FEBRUARY 16, 1907.

MARK GOODE,  
Care Indian Office,  
*Washington, D. C.:*

I am convinced that it would be advisable to have witnesses named by me examined at Washington, as originally planned, especially Joseph Clark, Samuel Patrick, and Leonard Hampton, and myself.

THACKERY.

The next is—

OCTOBER 8, 1907.

COMMISSIONER INDIAN AFFAIRS, *Washington, D. C.:*

Please forward me, for use in court, the receipt given by Bentley to Emma Garland. See my letter December 24, 1906.

THACKERY, *Superintendent.*

The next is—

OCTOBER 9, 1907.

THACKERY, *Superintendent, Shawnee, Okla.:*

Forward memoranda and abstract showing conveyances of Kickapoo land, which Goode had with him in Mexico and left in your office.

LARRABEE, *Acting Commissioner.*

The next is—

OCTOBER 12, 1907.

MARK GOODE, *Eagle Pass, Tex.:*

Answering telegram 11th instant, will say that you already have checks for moneys due any Kickapoos now in Mexico, excepting \$589 due Mah-me-she-kah, for which I hold Treasury warrant heretofore overlooked. It will be safe to advance George Mienah (Minor) money enough to go home, but do not use his check, because of difficulty in cashing checks, which was in payment of land sold.

THACKERY, *Superintendent.*

The next is—

OCTOBER 26, 1907.

COMMISSIONER INDIAN AFFAIRS,

*Washington, D. C.:*

If my telegram of the 18th inst. is complied with please present (evidently prevent) issuance of certified copy of Billy Panther's patent at this time. Letter follows.

THACKERY, *Superintendent.*

The next is—

SAN ANTONIO, TEX., *November 2, 1907.*

MESSRS. W. L. CHAPMAN & BROWN,

*Washington, D. C.*

Am subpoenaed to Eagle Pass. Go to-morrow. Wire instructions. You better have representative \* \* \* testimony.

R. C. CONINE.

The next is—

DOUGLAS, ARIZ., *November 9, 1907.*

F. A. THACKERY, *Shawnee, Okla.:*

Have not heard from Indian money and checks. Several want to return. Snake and the other whose money was sent to Dublan. Did not get it. Wire fully care Hotel Roy.

MARK GOODE.

The next is—

DOUGLAS, ARIZ., *November 11, 1907.*

F. A. THACKERY, *Superintendent,*

*Shawnee, Okla.:*

Will not use any checks. Clark leaves to-night and will give you situation.

MARK GOODE.

The next is—

SHAWNEE, OKLA., *November 10, 1907.*

MARK GOODE,

*Hotel Roy, Douglas, Ariz.:*

All checks were mailed you on 5th instant, care collector of customs, El Paso. Checks were sent to Dublan only for Pequa, Pem-me-pah-hone-ah. Snake has no money. Have wired to Dublan to forward checks to you at Douglas by first mail.

THACKERY, *Superintendent.*

The next is—

SHAWNEE, OKLA., *November 10, 1907.*

MARK GOODE, *Douglas, Ariz.:*

*(Care Roy Hotel.)*

Don't use George Mienah's check for \$10,000.

THACKERY, *Superintendent.*

The witness was thereupon excused.

GEORGE L. MORGAN, having been first duly sworn, testified as follows:

Senator CURTIS. What is your name?

Mr. MORGAN. George L. Morgan.

Senator CURTIS. What position do you hold?

Mr. MORGAN. I am manager of the Western Union Telegraph Company in this city.

Senator CURTIS. How long have you been manager at Shawnee?

Mr. MORGAN. Since the 8th of August, 1907.

Senator CURTIS. Have you in your possession, as manager of the Western Union telegraph office at Shawnee, messages sent out and messages received at this office; you have control of messages, do you?

Mr. MORGAN. Yes, sir.

Senator CURTIS. I will ask you to state to the committee if you have with you this evening the messages which you were requested to produce before this committee on proper subpoena issued duces tecum?

Mr. MORGAN. Yes, sir.

Senator CURTIS. Will you present them to the committee?

Mr. MORGAN. I present them under protest, as by the rules of the company we must have a regular order from the court to produce these messages. I submit them to the committee under protest. The first telegram is as follows:

SHAWNEE, OKLA., March 2, 1907.

COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.:

After thorough investigation United States Attorney Embury is convinced that there is absolutely nothing in the act of Congress approved June 21, 1906, which passes title from the Government to the individual Kickapoo Indian, and that any sales made under said act will not stand.

THACKERY, Superintendent.

The next telegram is—

SHAWNEE, OKLA., March 2, 1907.

L. C. GRIMES, *Muzquiz, Mexico*:

Come at once; important.

J. R. JACOBS.

The next is—

MUZQUIZ, MEXICO, March 5, 1907.

J. R. JACOBS,

*Care Burt Hotel, Shawnee, Okla.:*

Just received telegram. I will start to-morrow; can not to-day. Wire Eagle Pass explaining why I must come.

L. C. GRIMES.

The next is—

MUZQUIZ, MEXICO, March 6, 1907.

W. L. CHAPMAN, *Shawnee, Okla.:*

Grimes got notice to come home at once. What about my staying here? Can not do anything until Garret straightens his affairs up. Answer quick.

A. T. BROWN.

The next is—

SHAWNEE, OKLA., March 7, 1907.

A. T. BEJWN, *Muzquiz, Mexico*:

Use your own judgment as to what is best.

W. L. CHAPMAN.

The next is—

EAGLE PASS, TEX., March 9, 1907.

W. L. CHAPMAN, *Shawnee, Okla.:*

Grimes and I coming home first train.

A. T. BROWN.

The next is—

SHAWNEE, OKLA., March 17, 1907.

L. C. GRIMES, *Harrah, Okla.:*

Come to-morrow morning; bring Tack; do not fail.

R. C. CONINE.

The next is—

SHAWNEE, OKLA., March 25, 1907.

L. M. SHEPHERD & Co., *El Reno, Okla.:*

Express me to-day, if possible, sectional map Pottawatomie County, Seminole and Creek nations.

C. J. BENSON.

The next is—

EAGLE PASS, TEX., March 25, 1907.

A. T. Broffn, Shawnee, Okla.:

Wire First National Bank, Eagle Pass, pay me \$50.

T. ALEXANDER.

The next is—

EAGLE PASS, March 5, 1907.

C. J. BENSON, Shawnee, Okla.:

Wire First National Bank, Eagle Pass, Tex., honor my draft for \$50. Answer.

TONY ALEXANDER.

The next is—

SHAWNEE, OKLA., March 26, 1907.

FIRST NATIONAL BANK,

Eagle Pass, Tex.:

Pay Tony Alexander \$50. We remit.

OKLAHOMA NATIONAL BANK.

The next is—

MUZQUIZ, MEXICO, April 20, 1907.

C. J. BENSON, Shawnee, Okla.:

Tell John Garrett make deposit Eagle Pass at once. Answer.

TONY ALEXANDER.

The next is—

SAN ANTONIO, TEX., April 24, 1907.

JOHN GARRETT, Shawnee, Okla.:

Come as soon as possible; had intended going to-morrow, but will wait your answer to-day.

R. C. CONINE.

The next is—

SHAWNEE, OKLA., April 24, 1907.

R. C. CONINE, San Antonio, Tex.:

Will leave Shawnee Saturday morning; wait for me. Answer.

JOHN GARRETT.

The next is—

MUZQUIZ, MEXICO, April 25, 1907.

C. J. BENSON, Shawnee, Okla.:

I drew on First National Bank for \$100. Please protect.

TONY ALEXANDER.

The next is—

SAN ANTONIO, TEX., April 25, 1907.

JOHN GARRETT, Shawnee, Okla.:

Come ahead. I am waiting. Leave Perkins's deed with Cash Cade.

R. C. CONINE.

The next is—

EAGLE PASS, April 30, 1907.

C. J. BENSON or A. T. BROWN, Shawnee, Okla.:

Grimes not here. Bentley here with Indians. Necessary that Grimes be here. Wire. What are we to expect?

JOE M. ADAMS.

The next is—

SHAWNEE, OKLA., May 1, 1907.

FIRST NATIONAL BANK, Eagle Pass, Tex.:

Will pay Alexander check \$150. Adams and Johnson are my attorneys and look after my interests.

C. J. BENSON.

The next is—

SHAWNEE, OKLA., May 1, 1907.

R. C. CONINE, Eagle Pass, Tex.:

Wire bank protect checks. Grimes left here for Pass Monday. Answer.

BENSON & BROWN.

The next is—

EAGLE PASS, May 1, 1907.

A. T. BROWN, *Shawnee, Okla.:*

(Care Fleming & Brown.)

I think Benson had better come at once. Checks for one hundred and fifty drawn by Alexander have been turned down, as bank here had no instructions to pay them.

R. C. CONINE.

The next is—

EAGLE PASS, May 1, 1907.

A. T. BROWN, *Shawnee, Okla.:*

Let us know what you are going to do. Those checks of Alexander will have to be taken care of. He is here. If you are not going to put up some coin you had better quit, and I will, too.

R. C. CONINE.

The next is—

EAGLE PASS, May 4, 1907.

W. W. IVES, *Shawnee, Okla.:*

Send word Joe Hill meet Field there Thursday next.

M. J. BENTLEY.

The next is—

EAGLE PASS, TEX., May 5, 1907.

HARVEY MAXEY, *Shawnee, Okla.:*

Reserve all depositions for Monclova. Impossible to get off. Officers Muzquiz. Reserve all three.

J. M. ADAMS.

HOWELL J. JOHNSTONE.

The next is—

EAGLE PASS, May 6, 1907.

A. T. BROWN, *Shawnee, Okla.:*

Wire First National Bank honor my check for \$75 for expense money.

R. C. CONINE.

The next is—

SHAWNEE, OKLA., May 6, 1907.

FIRST NATIONAL BANK,

*Eagle Pass, Tex.:*

We will honor check of R. C. Conine \$75.

UNION SAVINGS BANK.

The next is—

SHAWNEE, OKLA., May 6, 1907.

J. M. ADAMS,

*Muzquiz, Mexico, via Eagle Pass:*

Have served notice Monclova Friday tenth. Will send Chapman first train.

J. H. MAXEY, Jr.

The next is—

MUZQUIZ, MEXICO, May 6, 1907.

J. H. MAXEY, Jr.,

*Shawnee, Okla.:*

Reserve all notices for Monclova. Coahuila officers remove case to Muzquiz. Advise us here by wire and letter. Late for taking. Absolutely necessary that Chapman come here first train.

HAL JOHNSON and JOE ADAMS, Jr.

The next is—

SHAWNEE, OKLA., May 27, 1907.

M. J. BENTLEY,

*Eagle Pass, Tex.:*

Record shows nothing against No. 227.

W. W. IVES.

The next is—

SHAWNEE, OKLA., May 7, 1907.

JOE M. ADAMS, Jr., *Musquiz, Mexico:*

Mail notice take depositions to you at Monclova. Chapman family all sick. Can not start until to-morrow.

J. K. MAXEY, JR.

The next is—

SHAWNEE, OKLA., May 7, 1907.

R. C. CONINE,

Care First National Bank, *Eagle Pass, Tex.:*

Is it absolutely necessary for Chapman to be there to take depositions of judge's clerk, Lobo, and Johnson? Sickness in his family. If you need anything, wire me.

A. T. BROWN.

The next is—

SHAWNEE, OKLA., May 7, 1907.

JOE ADAMS and HAL. JOHNSON, *Monclova, Mexico:*

Have wired Garrett and Conine to aid in every way possible. If absolutely necessary for me to be there, wire me and will come.

A. L. CHAPMAN.

The next is—

SHAWNEE, OKLA., May 7, 1907.

JOHN GARRETT and R. C. CONINE,

*Monclova, Mexico.*

Do what is necessary to be done in taking depositions. Act as if the matter was your own. What you need let us know. Chapman's family all sick, but will come if it is absolutely necessary. Wire us if you will do this.

BROWN & CHAPMAN.

The next is—

EAGLE PASS, TEX., May 7, 1907.

W. W. IVES, *Shawnee, Okla.:*

Wire whether or not Kickapoo allotment No. 277 has been decided.

M. J. BENTLEY.

The next is—

EAGLE PASS, TEX., May 7, 1907.

A. T. BROWN, *Shawnee, Okla.:*

Depositions will be taken in Monclova. Chapman's presence not necessary. Conine has been at Monclova, now in Muzquiz. Is Maxey arranging papers for Monclova. Answer.

JOHN GARRETT.

The next is—

SHAWNEE, OKLA., May 8, 1907.

FIRST NATIONAL BANK, *Eagle Pass, Tex.:*

We honor check R. C. Conine, \$500 gold. Notify Monclova Bank.

UNION SAVINGS BANK.

The next is—

MUZQUIZ, MEXICO, May 8, 1907.

A. T. CHAPMAN and BROWN, *Shawnee, Okla.:*

Absolutely necessary to have First National Bank honor my check \$500 gold to secure depositions. Have bank notify Monclova bank. Will do our best. Answer here quick.

R. C. CONINE.

The next is—

SHAWNEE, OKLA., May, 8, 1907.

R. C. CONINE, *Muzquiz, Mexico:*

Have notified First National Bank, Eagle Pass, to take care of your check for five hundred.

A. T. BROWN.

The next is—

SHAWNEE, OKLA., May 8, 1907.

JOHN GARRETT, *Eagle Pass, Tex.:*

Have sent all papers necessary to Joe Adams, Monclova, general delivery.

J. H. MAXEY, Jr.

The next is—

EAGLE PASS, TEX., May 8, 1907.

A. T. BROWN, *Shawnee, Okla.:*

Have Chapman leave in the morning for Monclova. Case necessity.

JOHN GARRETT.

The next is—

EAGLE PASS, TEX., May 9, 1907.

UNION SAVINGS BANK, *Shawnee, Okla.:*

Do not understand telegram. Are you remitting \$500 for Conine?

FIRST NATIONAL BANK.

The next is—

SHAWNEE, OKLA., May 9, 1907

JOHN GARRETT, *Eagle Pass, Tex.:*

(Care First National Bank.)

Have wired Conine \$500. Is it absolutely necessary for Chapman to come? If so will start to-morrow. Answer.

A. T. BROWN.

The next is—

SHAWNEE, OKLA., May 9, 1907.

R. C. BROWN, *Monclova, Mexico:*

Have wired bank money. Garrett says absolutely necessary Chapman to come. Is it his presence or money needed? Answer.

A. T. BROWN.

The next is—

SHAWNEE, OKLA., May 10, 1907.

R. C. CONINE, *Monclova, Mexico:*

Wired money on eighth. Use your own judgment. We are with you.

CHAPMAN & BROWN.

The next is—

SHAWNEE, OKLA., May 10, 1907.

FIRST NATIONAL BANK,

*Eagle Pass, Tex.:*

Pay R. C. Conine \$500. Will remit to-day.

UNION SAVINGS BANK.

The next is—

MONCLOVA, MEXICO, May 11, 1907.

J. H. MAXEY, Jr., *Shawnee, Okla.:*

Impossible to get any Mexican official take our depositions. Leave in morning for Eagle Pass. Suggest securing Grimes and Indians there and reserve all notices. Wire us instructions there immediately.

JOHNSON & ADAMS.

The next is—

SHAWNEE, OKLA., May 12, 1907.

JOE M. ADAMS, Jr., *Monclova, Mexico:*

Have served notices all cases for Monclova, Thursday, May 16. Mail them Monclova.

J. H. MAXEY.

The next is—

MUZQUIZ, MEXICO, May 13, 1907.

J. H. MAXEY, Jr., *Shawnee, Okla.:*

Afraid you have not allowed time enough. Be sure to get notice legal.

JOE M. ADAMS.

The next is—

SHAWNEE, OKLA., May 13, 1907.

JOE M. ADAMS, Jr., *Monclova, Mexico:*

Notices take depositions for 16th mailed this morning.

C. J. BENSON.

The next is—

SHAWNEE, OKLA., May 11, 1907.

TONY ALEXANDER, *Muzquiz, Mexico*:

Your services not needed after May 15th; must stop expenses.

C. J. BENSON.

The next is—

MONCLOVA, MEXICO, May 17, 1907.

A. L. CHAPMAN AND BROWN,

*Shawnee, Okla.*:

Have secured all the most important depositions. Must have three or four hundred gold before we can leave here. Instruct Monclova bank.

R. C. CONLINE.

The next is—

SHAWNEE, OKLA., May 18, 1907.

FIRST NATIONAL BANK, *Eagle Pass, Tex.*:

Pay R. C. Conline \$300. Instruct Monclova bank. We remit to-day.

UNION SAVINGS BANK.

The next is—

EAGLE PASS, June 14, 1907.

MR. JOE ADAMS, *Shawnee, Okla.*:

Is fifteen old enough according to Oklahoma law?

L. C. GRIMES.

The next is—

SHAWNEE, OKLA., June 14, 1907.

L. C. GRIMES, *Eagle Pass, Tex.*:

Follow Texas law, which will govern here—females 14, males 18.

J. M. ADAMS, Jr.

The next is—

SHAWNEE, OKLA., June 22, 1907.

R. J. GARZA,

Care Joske Brothers & Co.,

*San Antonio, Tex.*:

Instruct Lockwood Bank honor my draft \$450. Have made deal for you.

R. C. CONLINE.

The next is—

SAN ANTONIO, TEX., June 24, 1907.

SHAWNEE NATIONAL BANK, *Shawnee, Okla.*:

Will honor draft R. C. Conline and R. G. Garza, \$450. This telegram attached.

LOCKWOOD NATIONAL BANK.

The next is—

WASHINGTON, D. C., July 17, 1907.

GEORGE F. GRAHAM, *Shawnee, Okla.*:

Parties first mentioned will leave here Monday, arrive about Thursday.

M. G.

The next is—

WASHINGTON, D. C., August 8, 1907.

GEORGE F. GRAHAM, *Shawnee, Okla.*:

Doctor went out to-day. Probably leaves to-night; surely to-morrow.

H. BENTON.

The next is—

WASHINGTON, D. C., August 9, 1907.

GEORGE F. GRAHAM, *Shawnee, Okla.*:

Although positively denied, think doctor left last night. Know to-morrow.

H. BENTON.

The next is—

WASHINGTON, D. C., August 10, 1907.

GEORGE F. GRAHAM, *Shawnee, Okla.*:

Better act as if doctor left Thursday, although still denied.

H. BENTON.



The next is—

SAN ANTONIO, TEX., *August 12, 1907.*

JOHN GARRETT,

*House of Lords, Shawnee, Okla.:*

Twenty-five hundred Pyatho allotment. One thousand interest in adjoining allotment. Have party paid up fifty to guarantee expenses and will go. Answer.

R. C. CONINE.

The next is—

WASHINGTON, D. C., *September 3, 1907.*

GEORGE F. GRAHAM, *Shawnee, Okla.:*

Billy P. recorded dated August 5. Go out to-morrow.

N. BENTON.

The next is—

WASHINGTON, D. C., *September 9, 1907.*

GEORGE F. GRAHAM, *Shawnee, Okla.:*

John S. dated and recorded tenth; leave soon after.

H. BENTON.

The next is—

WASHINGTON, D. C., *September 23, 1907.*

GEORGE F. GRAHAM, *Shawnee, Okla.:*

John S. O. K. dated September 10.

H. BENTON.

The next is—

WASHINGTON, D. C., *October 9, 1907.*

GEORGE F. GRAHAM, *Shawnee, Okla.:*

B. P. recorded date October 9. Action safe.

H. BENTON.

The next is—

WASHINGTON, D. C., *October 26, 1907.*

GEORGE A. GRAHAM, *Shawnee, Okla.:*

Dan and Sally recorded dated 25th. Take action.

N. BENTON.

The next is—

WASHINGTON, D. C., *October 31, 1907.*

GEORGE F. GRAHAM, *Shawnee, Okla.:*

Billy leaves for Shawnee to-day. Original held good.

H. BENTON.

The next is—

WASHINGTON, D. C., *September 18, 1907.*

FIRST NATIONAL BANK,

*Eagle Pass, Tex.:*

Pay our certificate 3409, \$1,076.83, on proper identification.

OKLAHOMA NATIONAL BANK.

The next is—

SHAWNEE, OKLA., *November 3, 1907.*

R. C. CONINE, *Eagle Pass, Tex.:*

No representative allowed us. Use your best judgment, but would suggest follow deposition taken in Mexico.

W. L. CHAPMAN.

The next is—

SHAWNEE, OKLA., *November 14, 1907.*

JOHN GARRETT, *Tulsa, Ind. T.:*

(Care B. & T. Palace.)

Come home at once. Senate committee is here.

MATTIE GARRETT.

The witness was thereupon excused, and at 10 o'clock p. m., the committee adjourned until to-morrow, November 20, 1907, at 9 o'clock a. m.

SHAWNEE, OKLA., *November 20, 1907.*

The subcommittee met at 9 o'clock a. m.

Present: Senators Teller (chairman) and Curtis; also Mr. John Embry, United States attorney for Oklahoma, and Mr. M. J. Bentley, representing the Mexican Kickapoo Indians.

W. W. IVES recalled for further examination.

Senator CURTIS. Mr. Ives, before you produce your papers I want to ask one or two questions. Did you hear the testimony of Leonard Hampton yesterday or the day before?

Mr. IVES. No, sir.

Senator CURTIS. You did not hear it?

Mr. IVES. No, sir.

Senator CURTIS. I will ask you if at any time during the last of Mr. Bentley's term of office as Indian agent you had any understanding with him or Mr. Hampton in regard to having a certain supposed fraudulent entry canceled?

Mr. IVES. My memory is not very clear on that point. Mr. Bentley wrote me once about a contract, and, as I remember, it was a contract that he had taken in my name in regard to canceling an allotment, but as to the names I can not remember.

Senator CURTIS. Have you the letter?

Mr. IVES. I have not; it has been a good many years ago, and I can not remember the particulars very well.

Senator CURTIS. What is your recollection about it?

Mr. IVES. About the only idea I have about it, in a general way, is that Mr. Bentley said that it was necessary to make a contract in order to prevent some white men from stealing the place. I was in no way interested in it. I did not have any interest in it.

Senator CURTIS. What was to be done with the consideration that was agreed to be paid to you in that contract, of \$500?

Mr. IVES. That was to come to me according to the contract, but it was understood that I was not interested in that.

Senator CURTIS. What were you going to do with it?

Mr. IVES. I supposed it was going to Mr. Bentley or the Indian.

Senator CURTIS. Was anything said in the letter about that that you know?

Mr. IVES. I think probably there was; but I can not remember the facts.

Senator CURTIS. You have not that letter now, have you?

Mr. IVES. No, sir; I have moved since that time.

Senator CURTIS. That occurred how many years ago?

Mr. IVES. It must be seven or eight years ago.

Senator CURTIS. How long was that before Mr. Bentley's term of office expired?

Mr. IVES. I think it must have been in the last year of his term of office.

Senator CURTIS. Were you in the habit of entering into agreements of that kind, of permitting him to use your name in your absence?

Mr. IVES. Mr. Bentley has used my name on different occasions, and written to me about it afterwards. I never have made any objections to anything of the kind.

Senator CURTIS. Is this the only case of this kind that you know of?

Mr. IVES. No, sir; there was one other case at one time.

Senator CURTIS. Was that before or after he went out of office?

Mr. IVES. That was afterwards.

Senator CURTIS. I mean while he was in office?

Mr. IVES. I do not remember of any other during the time he was in office.

Senator CURTIS. You say you had nothing to do with it—you had no personal interest in it whatever?

Mr. IVES. Not a cent's worth.

Senator CURTIS. Did you know what was to be done with the money?

Mr. IVES. My memory is not so clear on that; I do not believe I could make a statement as to that, or that I could be clear enough to make a statement on that point.

Mr. BENTLEY. If the committee will permit I would like to ask a question.

The CHAIRMAN. Very well.

Mr. BENTLEY. Mr. Ives, do you remember any correspondence about my being ambitious to take a delegation of Indians to Washington about the time of this letter that you have testified to; do you recollect anything about that in the correspondence at that time?

Mr. IVES. I remember that you wrote me upon that subject and at different times, but I would not be positive as to the exact date of any of those matters.

Mr. BENTLEY. Was it your impression that this money secured for this tract was to be used for my benefit or the benefit of the Indians? Was there anything in that letter to indicate that?

Mr. IVES. It was for the benefit of the Indians, but it was to be used by you instead of me; I was not to have anything to do with it.

Senator CURTIS. Do you not think it was a little strange for an Indian agent in charge of a lot of Indians to enter into a contract with a white man to have an allotment canceled so that the white man might get the land?

Mr. IVES. Well, I do not know whether that would come under the right of an agent or not.

Senator CURTIS. If it had been a perfectly proper thing he could have taken the contract in his own name, could he not; the money was to go to him?

Mr. IVES. I did not understand it was to go to him.

Senator CURTIS. If it was to go for the benefit of the Indians, it was perfectly proper; he could have taken it in his own name, could he not?

Mr. IVES. I presume so.

Senator CURTIS. Did it not appear to you a little strange at the time?

Mr. IVES. I really gave the matter but little attention or thought at that time.

The CHAIRMAN. You have been acting with Mr. Bentley in the interest of these Indians, have you not?

Mr. IVES. Yes, sir.

The CHAIRMAN. And you have had property put into your hands that you recognized, without any particular directions from Mr. Bentley, was in the interest of the Indians, did you not?

Mr. IVES. Yes, sir.

The CHAIRMAN. You considered yourself the trustee of the Indians and not of Mr. Bentley?

Mr. IVES. I have, yes, sir.

The CHAIRMAN. Ever since you have been identified with them?

Mr. IVES. Yes, sir.

The CHAIRMAN. And if Mr. Bentley had not notified you it was for the Indians you would have understood it was for the Indians, would you not? Suppose he had a piece of property put in your name, would you not have understood that it was for the Indians and not for him?

Mr. IVES. Why certainly I would.

The CHAIRMAN. You would have known it was for the Indians?

Mr. IVES. We had talked that over long before there was any property ever deeded.

The CHAIRMAN. Do you know why he put these deeds in your name after he left the office?

Mr. IVES. Well, it was on account of the great fight that was always made against him, I think.

The CHAIRMAN. Well, did he not say to you repeatedly that you had such a character that he felt it was safe to put it in your hands?

Mr. IVES. Yes, sir.

The CHAIRMAN. That you were recognized as a man of financial ability, and he thought it would be better that you should hold it than himself?

Mr. IVES. He made the statement that nobody had ever questioned my honesty in regard to any matters of the kind, and he thought it would be better to put it in my hands on that account.

The CHAIRMAN. You are a man of considerable property, are you not, Mr. Ives?

Mr. IVES. I have some little property.

The CHAIRMAN. You have not bought any Indian lands, have you?

Mr. IVES. Not for myself.

The CHAIRMAN. I mean you have no Indian land?

Mr. IVES. I have bought land of white people, but not of Indians. I bought one piece of land of a white man for my sister last year.

The CHAIRMAN. Do you mean here in this State?

Mr. IVES. Yes, sir; I did that for two reasons, because I felt in my position I was under obligations to do the best I could for the Indians, and I felt I was under obligations to do the best I could for my sister, and I could buy land cheaper from the white man than I was willing to sell the same quantity for; and the other reason was that I was afraid of creating talk that I was trying to rob the Indians if I deeded to any members of my family.

The CHAIRMAN. If you bought any property of the Indians?

Mr. IVES. If I had any of the Indian land deeded to my family.

The CHAIRMAN. How much did you buy of the white man for your sister?

Mr. IVES. Seven hundred and eighty acres.

The CHAIRMAN. What did you pay for it?

Mr. IVES. Two thousand one hundred dollars.

The CHAIRMAN. You considered that cheap, did you?

Mr. IVES. I think it was the cheapest piece of land I knew of in the country at that time, considering quality. I know of land that can be bought for less, but not as good quality.

The CHAIRMAN. All land depends to some extent upon its quality, does it not?

Mr. IVES. Yes, sir.

The CHAIRMAN. You can not fix an arbitrary value on land anywhere in any country, can you?

Mr. IVES. No, sir.

Mr. EMBRY. How old a man are you, Mr. Ives?

Mr. IVES. I am 38.

Mr. EMBRY. Are you a married man?

Mr. IVES. Yes, sir.

Mr. EMBRY. How long have you lived in Shawnee?

Mr. IVES. This last time, since early in March, 1905.

Mr. EMBRY. Did you live here before; and if so, when?

Mr. IVES. I came here soon after the opening of this country.

Mr. EMBRY. This country was opened in 1891.

Mr. IVES. Yes, sir; and I came here early in 1892, I think.

Mr. EMBRY. How long did you stay here at that time?

Mr. IVES. Five or six years.

Mr. EMBRY. What was your business?

Mr. IVES. I was in the real estate business at that time.

Mr. EMBRY. After staying here six years, after the opening, where did you go?

Mr. IVES. I do not believe I was here hardly six years. I went from here to Delphi, Ind.

Mr. EMBRY. What did you do there?

Mr. IVES. I was in the mercantile business.

Mr. EMBRY. What business have you been in since you came back here the last time?

Mr. IVES. I have been in no business except acting as trustee in this case and farming some.

Mr. EMBRY. Were you acquainted with Mr. Bentley when you were here before?

Mr. IVES. Yes, sir.

Mr. EMBRY. Did you and he have any business transactions together then?

Mr. IVES. No, sir; I do not remember that we ever had any business transactions; still we were together quite a good deal.

Mr. EMBRY. At what date did you come back to Oklahoma the second time?

Mr. IVES. When I moved back here it was early in March, 1905.

Mr. EMBRY. And you lived at Delphi, Ind., at the time you took this Leonard Hampton contract, did you?

Mr. IVES. Yes, sir.

Mr. EMBRY. Were you trustee for those Indians after you left here the first time and lived in Indiana?

Mr. IVES. No, sir.

Mr. EMBRY. You did not become trustee until you came back?

Mr. IVES. No, sir.

Mr. EMBRY. Then the Leonard Hampton contract was not for your benefit as trustee, was it?

Mr. IVES. It was not for my benefit in any way.

Mr. EMBRY. You knew nothing about it except from such information as he may have given you?

Mr. IVES. That was all.

Mr. EMBRY. When did you begin acting as trustee for these Indians?

Mr. IVES. Early in March, 1905, or when the first deeds were made.

Mr. EMBRY. What other property have you other than this Indian land that you hold in trust?

Mr. IVES. I have 120 acres of land over here on the Seminole line.

Mr. EMBRY. In this county?

Mr. IVES. Yes, sir.

Mr. EMBRY. What is it worth?

Mr. IVES. I think it is worth \$40 an acre.

Mr. EMBRY. What else?

Mr. IVES. I have three pieces of property here in town.

Mr. EMBRY. What is that property?

Mr. IVES. One of the pieces is a residence on Market street, worth \$1,800.

Mr. EMBRY. What else?

Mr. IVES. I have 100 feet on North Broadway, which I think is worth \$1,200, and I have another piece on North Baird street that is worth \$350.

Mr. EMBRY. What other property have you?

Mr. IVES. That, I believe, is all the real estate I have. I have some notes and some mortgages.

Mr. EMBRY. What personal property have you?

Mr. IVES. In the way of stock I have 2 horses, 18 head of cattle, and about 95 head of hogs and pigs.

Mr. EMBRY. What else?

Mr. IVES. That is the total except a little bit in the way of farm machinery.

Mr. EMBRY. I will ask you if you reported for taxation in this county 1 horse, 1 cow, 1 carriage, 1 piano, and your household goods at a value of \$115, all of it?

Mr. IVES. I have never seen an assessor since I have been in this county.

Mr. EMBRY. Do you not know that your assessment shows that your property is valued at \$115?

Mr. IVES. I do not know what it shows.

Mr. EMBRY. I believe you are a married man?

Mr. IVES. I am.

Mr. EMBRY. Your homestead or residence here is exempt, you understand?

Mr. IVES. I do not live in it; I live in rented property.

Mr. EMBRY. Why do you not live in your residence?

Mr. IVES. Because I moved into the rented property before I bought the other; I bought it later and have never moved. I am living in the house I moved in when I came to Shawnee.

Mr. EMBRY. When did you buy your residence?

Mr. IVES. I bought that the first summer that I was here.

Mr. EMBRY. What does it rent for?

Mr. IVES. It has always rented for \$15 a month since I have had it.

Mr. EMBRY. Your personal property, your two horses, you know, are exempt from sale under execution, do you not?

Mr. IVES. I presume they would be under our new constitution; I do not believe they would be under the old.

Mr. EMBRY. And a good part of those hogs and cattle are exempt. What is your indebtedness?

Mr. IVES. Outside of the indebtedness to the Indians or the liability to the Indians——

Mr. EMBRY. I am not asking you about that; I am asking you about your indebtedness outside of that?

Mr. IVES. Well, I am indebted something in the neighborhood of \$4,000 to Mr. Eagan, but that is on this Indian land.

Mr. EMBRY. What are you indebted in the sum of \$4,000 for?

Mr. IVES. That was money that I borrowed when we were getting the deeds to that Indian land down there.

Mr. EMBRY. Did you borrow that for the Indians? Are you going to charge that against the Indians?

Mr. IVES. I borrowed that to finish paying them for that land down in Muzquiz, and I gave mortgages on the Indian land to secure it.

Mr. EMBRY. Where did you get the other money which you paid for the Indian land down at Muzquiz?

Mr. IVES. Well, the first of it Mr. Bentley had at the time it was bought and paid the first half of it.

Mr. EMBRY. Now this \$4,000 that you owe Mr. Eagan, and which you have secured on the Indian land, was not money borrowed for your personal benefit, was it?

Mr. IVES. It was not.

Mr. EMBRY. What indebtedness have you now, with respect to your personal liability, not connected with the Indian transactions?

Mr. IVES. About \$350 or \$400.

Mr. EMBRY. Have you enumerated all the property you have now?

Mr. IVES. No, sir; perhaps a few mortgages and notes. Some of those mortgages are against some Indians. I have one of \$450 that is due right now. In regard to that, this is the man who owes it [indicating].

Mr. EMBRY. Is that a white man or an Indian?

Mr. IVES. He is a white man.

Mr. EMBRY. J. W. Smith?

Mr. IVES. J. W. Smith.

Mr. EMBRY. What other mortgages have you on claims due you? Is that \$550 secured?

Mr. IVES. It is secured by mortgage on real estate, and the others that I have are secured——

Mr. EMBRY. What are the others?

Mr. IVES. I have one against Joe Hill; that is a matter of about \$40, I think; and I have one against an Indian by the name of Pee-ne-she; that is a small amount; I do not know exactly the total of that.

Mr. EMBRY. Is that a Kickapoo Indian?

Mr. IVES. Yes, sir.

Mr. EMBRY. How did you happen to have that against him?

Mr. IVES. I loaned that to him a year and a half ago—a short time before Mr. Thackery was appointed as guardian.

Mr. EMBRY. Have you a note against Pee-ne-she?

Mr. IVES. Yes, sir.

Mr. EMBRY. What interest does it draw?

Mr. IVES. Twelve per cent.

Mr. EMBRY. Were you trustee for him?

Mr. IVES. I was not; he never left this country; he is still here.

Mr. EMBRY. What else have you?

Mr. IVES. I have one against Mack Johnson, and I have one—

Mr. EMBRY. The one against Mack Johnson is how much?

Mr. IVES. The original note was \$25, and it has been running for some time.

Mr. EMBRY. How much interest do you charge Mack Johnson?

Mr. IVES. His notes are all printed on the face 12 per cent.

Mr. EMBRY. And you expect to collect 12 per cent, do you?

Mr. IVES. I expect to collect the face of that note and that 12 per cent.

Mr. EMBRY. And that was your intention when you took it?

Mr. IVES. Yes, sir.

Mr. EMBRY. You have a deed of Mack's wife's land, have you not?

Mr. IVES. Yes, sir.

Mr. EMBRY. Is this Mack Johnson debt secured in any way?

Mr. IVES. By chattel mortgage.

Mr. EMBRY. What other notes have you?

Mr. IVES. I have one on a man by the name of—I have forgotten his name; he is a railroad man.

Mr. EMBRY. How much is it?

Mr. IVES. I can not tell you that exactly. He has paid on it at different times, and I do not know the exact balance, but it is not very great; it is not more than \$20. I have one against another railroad man by the name of Frank Shearon, an engineer.

Mr. EMBRY. How much is that?

Mr. IVES. That was originally \$400, and there is a balance. He has been making monthly payments, and I do not recall what the balance is. He has been paying on it for a year and a half, and I think it is about half paid.

Mr. EMBRY. What else have you?

Mr. IVES. I do not know that I can name any others, but I think possibly I have some others.

Mr. EMBRY. You have enumerated as far as you can all the property you have, have you?

Mr. IVES. Yes, sir.

Mr. EMBRY. You have three pieces of real estate here in Shawnee?

Mr. IVES. Yes, sir.

The CHAIRMAN. You need not repeat it. We have wasted enough time already this morning.

Mr. EMBRY. Have you any interest in property elsewhere?

Mr. IVES. Yes, sir; I have an interest in some accounts still in Indiana, but I do not know of what value they are.

Mr. EMBRY. Do you know that they are of any value at all?

Mr. IVES. I think so.

Mr. EMBRY. What character of accounts are they?

Mr. IVES. They are store accounts.

Mr. EMBRY. In what amount are they?

Mr. IVES. I think there was something like \$1,300 or \$1,400 that I would have an interest in.



Mr. EMBRY. Yours are old accounts—what are called bad accounts when they quit business?

Mr. IVES. Some are bad.

Mr. EMBRY. You are not expecting very much from them; you hope to get something out of them?

Mr. IVES. Yes, sir.

Mr. EMBRY. Have you any other property or interests anywhere?

Mr. IVES. I do not think of anything just at present.

Mr. EMBRY. At the time you entered into this arrangement with Mr. Bentley to become trustee, was it or not to take these Indians to Mexico or to keep those who were then in Mexico there?

Mr. IVES. They were already in Mexico.

Mr. EMBRY. This undertaking was in view of the fact that they would remain in Mexico?

Mr. IVES. They expected them to remain there.

Mr. EMBRY. Are you acquainted with those Indians in Mexico?

Mr. IVES. Some of them.

Mr. EMBRY. Do you not know that the greater number of them are incompetent and ignorant people?

Mr. IVES. There are hardly any of them who are educated people.

Mr. EMBRY. What were you to do with the funds, invest them personally or turn them over to Mr. Bentley for investment?

Mr. IVES. He was to attend to that end of it.

Mr. EMBRY. Your trusteeship extended to the holding of titles here in Oklahoma and turning the money over to Mr. Bentley?

Mr. IVES. To the Indians' representative.

Mr. EMBRY. To Mr. Bentley as the Indians' representative?

Mr. IVES. Yes, sir.

Mr. EMBRY. There was no proceeding with any court, neither you nor Mr. Bentley ever were under any bond or undertaking to account for these funds to the Indians, were you?

Mr. IVES. No, sir.

Mr. EMBRY. Just what little property you have is secured on what the Indians have, is not that the fact?

Mr. IVES. Yes, sir.

Mr. EMBRY. That is all you ever intended to give?

Mr. IVES. As fast as I have disposed of the land the money has been turned over.

Mr. EMBRY. Turned over to whom?

Mr. IVES. To Mr. Bentley.

Mr. EMBRY. Do you know how he has disposed of it?

Mr. IVES. I have only what he tells me.

Mr. EMBRY. You have not taken the pains nor the time to ascertain whether or not he has properly applied it?

Mr. IVES. I have not investigated the matter at all; no, sir.

Mr. EMBRY. I see an item here of expenses, under date of April 14, 1905: "Commission on sale of Okema and Thi-the-qua land, \$500." To whom was that paid?

Mr. IVES. Two hundred and fifty dollars of that went to Mr. Clark.

Mr. EMBRY. Joe Clark?

Mr. IVES. Yes, sir; \$250 of it should have gone to myself.

Mr. EMBRY. It did go to yourself, did it not?

Mr. IVES. It did in the account.

Mr. EMBRY. You have charged for it, have you not?

Mr. IVES. Yes, sir.

Mr. EMBRY. Were there any other commissions paid for the sale of this land?

Mr. IVES. There were no other out of the net proceeds.

Mr. EMBRY. Well, were there any out of any of the proceeds?

Mr. IVES. Yes, sir; the net price on this land was \$32,000, and all the rest was commission.

Mr. EMBRY. How much was there above that?

Mr. IVES. It was supposed to be \$7,000.

Mr. EMBRY. To whom did that \$7,000 go?

Mr. IVES. It went to a real estate firm.

Mr. EMBRY. Who were the parties?

Mr. IVES. Kennedy and George Patchin.

Mr. EMBRY. Unless out of the net proceeds these sums for you and Clark were changed?

Mr. IVES. Yes, sir.

Mr. EMBRY. Clark at that time was a partner in the real estate business here with Mr. Bentley, was he?

Mr. IVES. He had been prior to that time.

Mr. EMBRY. Was he not at that time?

Mr. IVES. They were not doing any real estate business at that time; Mr. Bentley was not staying here.

Mr. EMBRY. Do you not understand that Mr. Clark was a partner of Mr. Bentley at that time in the real estate business and that this commission went to the firm?

Mr. IVES. I do not; the office had been closed for some time when I came here. There had been prior to that time a partnership of Bentley, Clark, and Eagan, but the office was closed and had been closed for some weeks when I came here.

Mr. EMBRY. Do you not understand and know it to be a fact that this man, Clark, still worked with Bentley in endeavoring to secure Mexican land after that date?

Mr. IVES. I know he was with Mr. Bentley.

Mr. EMBRY. And went to Mexico with Mr. Bentley?

Mr. IVES. I think he did.

Mr. EMBRY. And do you not also know that they kept their office, at least sufficiently, to do what business they had to do at this end of the line at Shawnee?

Mr. IVES. Yes, sir; I kept the office myself.

Mr. EMBRY. And they were partners in that undertaking, were they not?

Mr. IVES. Mr. Bentley was a partner; I never had any agreement of any kind with Mr. Clark.

Mr. EMBRY. You kept their office here in Shawnee and knew that they were partners in the real estate business and that any money received by one went to the firm, do you not?

Mr. IVES. No, sir; I do not know that.

Mr. EMBRY. Here is another item of the same date, "Draft to M. J. Bentley \$15,000. What was that for?"

Mr. IVES. That was the balance of the \$15,000 that was paid for that Indian land.

Mr. EMBRY. You did not retain the money at all; you turned it over to Mr. Bentley, is not that a fact?

Mr. IVES. I got a draft when it was turned over to me before I left the bank and mailed it to Eagle Pass.

Mr. EMBRY. What is the balance due on that transaction?

Mr. IVES. Sixteen thousand five hundred dollars, with interest.

Mr. EMBRY. Where is that deposited?

Mr. IVES. The notes are deposited in the Shawnee National Bank.

Mr. EMBRY. Now, farther down in the account—I am skipping over these little matters, as I do not care to take up the time of the committee—I notice, under July 13, 1906, "Draft M. J. Bentley, \$1,250." What is that for?

Mr. IVES. That was at the time of the sale of the Johnny Mine land. What is the date of that?

Mr. EMBRY. July 13, 1906.

Mr. IVES. Mr. Sweeney paid me \$1,500 on July 13.

Mr. EMBRY. Sweeney paid \$1,500 for that land, did he?

Mr. IVES. Yes, sir.

Mr. EMBRY. What was done with the other \$250?

Mr. IVES. Two hundred and seven dollars of it I paid to an Indian under Mr. Bentley's direction.

Mr. EMBRY. That is, you paid \$207 to Mary Penetho?

Mr. IVES. Yes, sir; under Mr. Bentley's direction.

Mr. EMBRY. That was only debt of Mr. Bentley to Mary, was it?

Mr. IVES. Yes; I took up a note.

Mr. EMBRY. That Mr. Bentley owed her?

Mr. IVES. Yes, sir.

Mr. EMBRY. I see, under date of August 10 of the same year, "Draft to M. J. Bentley \$6,000."

Mr. IVES. Yes, sir.

Mr. EMBRY. What does that represent?

Mr. IVES. That was money that I sent him to finish paying on the land. That was the last payment on the land.

Mr. EMBRY. Where did that money come from?

Mr. IVES. Four thousand dollars of that is money that I got from Mr. Egan.

The CHAIRMAN. That is \$4,000 that you advanced?

Mr. IVES. Yes, sir; and which I will have to pay myself unless it is paid out of the Indian fund.

Mr. EMBRY. That is secured on mortgages on a number of Indian tracts, is it not?

Mr. IVES. Yes, sir.

Mr. EMBRY. Was that the first or the last payment on this San Francisco ranch?

Mr. IVES. That was the last payment.

Mr. EMBRY. From what source was the first payment made, if you know?

Mr. IVES. Mr. Bentley paid that out of some money that he had of his own, as far as I know. I do not know anything about that.

Mr. EMBRY. Do you know what disposition Mr. Bentley made of that \$15,000 that you paid him from the sale of the Okema and the other land?

Mr. IVES. No, sir; only from what he told me—that he had used it in various ways for the Indians. I have no personal knowledge of that.

Mr. EMBRY. The trust agreement was that that money should be used for purchasing land in Mexico for Okema and the other Indian, was it not?

Mr. IVES. Well, the land was purchased.

Mr. EMBRY. You understand that he was to pay \$21,000 Mexican for the San Francisco ranch, do you not?

Mr. IVES. I do.

Mr. EMBRY. That is, \$10,500 gold?

Mr. IVES. Yes, sir.

Mr. EMBRY. You turned over to him \$15,000, proceeds of sale of this Okema land and the other tract, if one was sold in connection with it?

Mr. IVES. Yes, sir.

Mr. EMBRY. And that was \$15,000 gold?

Mr. IVES. Yes, sir.

Mr. EMBRY. And later you furnished him another \$6,000 to finish paying for that tract of land?

Mr. IVES. Yes, sir.

Mr. EMBRY. You still understand that Mr. Bentley now has the title to that San Francisco tract of land in his own name, do you not?

Mr. IVES. I understand that he has a trust contract that it shall be deeded to the Indians. I am not sure whether I have ever seen that contract, but I understand that there is such a contract.

Mr. EMBRY. You turned over to Mr. Bentley the proceeds of the sale of the land which I have referred to, to be used in paying for the San Francisco ranch, and advanced yourself \$6,000 for the same purpose, enough to more than twice pay for it, have you not?

Mr. IVES. Well, a man who has had any experience with the Indians knows that there are a great many expenses to be met outside of paying for the land, and they have all got to be paid.

Mr. EMBRY. I will ask you if you do not know that Mr. Bonnet, of the Border National Bank, of Eagle Pass, has a mortgage on two pieces of Indian land up here to secure \$11,000 gold, on Mr. Bentley's note of \$6,000 to that bank?

Mr. IVES. Yes, sir; I do not know the amount, but I know that he has a mortgage for that amount.

Mr. EMBRY. And that mortgage was given along about the time that this alleged last payment was made, was it not?

Mr. IVES. It was given prior to that time, I think; I have not the date of it, but I think it was given before the payment.

Mr. EMBRY. Do you understand that this mortgage that was given to Mr. Bonnet was to secure him in any respect with regard to this land in Mexico?

Mr. IVES. No, sir; I do not.

Mr. EMBRY. What did you understand that those mortgages were for, that they were given on your trust land up here?

Mr. IVES. I understood that Mr. Bentley had been using considerable money in paying Indian debts and furnishing money for various purposes, and that he had overdrawn his account in the bank to some

extent, and was likely to have to overdraw it more, and he made these mortgages for the purpose of protecting Mr. Bonnet against any overdraft that there might be. I do not know the amount at the time he made them.

Mr. EMBRY. Did Mr. Bentley render to you as trustee any account for expenses to those Indians.

Mr. IVES. No, sir; he rendered no account.

Mr. EMBRY. Did you ever check up what he spent money for?

Mr. IVES. No, sir; he checked up what I spent it for.

Mr. EMBRY. And as trustee, you do not know what disposition he makes of this money, except what he tells you in a general way?

Mr. IVES. No, sir.

Mr. EMBRY. You do not require him to give any itemized account of what he does?

Mr. IVES. I never have required an itemized account of him. Mr. Bentley is the representative of the Indians and not myself.

Mr. EMBRY. You know those Indians are almost too ignorant to have a representative, do you not?

Mr. IVES. I should think they needed one.

Mr. EMBRY. Do you not know that they are incapable of knowing what any man owes them?

Mr. IVES. They have always had to have a representative and still have to have one.

Mr. EMBRY. Have you any receipts for any of those moneys which you paid out, amounting to \$26,727.27?

Mr. IVES. I may have in some accounts, but not in all of them.

Mr. EMBRY. You are not in the habit of having receipts?

Mr. IVES. No, sir; not in small matters. I usually pay the cash and make a note of it.

Mr. EMBRY. Do you keep any books as trustee in handling these estates?

Mr. IVES. Only of my expenditures and collections.

Mr. EMBRY. You have a book, have you not?

Mr. IVES. I just keep it in a small notebook.

Mr. EMBRY. Please let us see your notebook.

(The witness produced the book as required.)

Mr. IVES. There are quite a number of other things in here, too, but here are just two pages of it. I have something in another book; that is the last of it. That is all included in this.

Mr. EMBRY. Now, as trustee of these estates, the value of the land exceeding \$100, you keep no book entries of your transactions other than are contained in this little temporary pocket memorandum; is that true?

Mr. IVES. I have another account exactly the same as this that I copy from that book.

Mr. EMBRY. This is your original book of entry, though?

Mr. IVES. That I keep with me all the time. Whenever I pay out money I put it down.

Mr. EMBRY. Do the entries made cover grocery items, or anything of that kind?

Mr. IVES. I never pay grocery items.

Mr. EMBRY. What else do you put in this book?

Mr. IVES. Any little matter that comes up; any time that I am out and make a payment I put it down.

Mr. EMBRY. Your own personal matters you put in this book, just as you do with respect to the Indians?

Mr. IVES. Yes, sir; but it is separate.

Mr. EMBRY. But you enter all of them in this little book; just a general pocket memorandum?

Mr. IVES. Yes, sir.

Mr. EMBRY. And when that book is full you put it aside and take another?

Mr. IVES. Yes, sir; they are just the same.

Mr. EMBRY. Last evening when you came here on the stand and were called upon for your account, you presented this, did you?

Mr. IVES. Yes, sir.

Mr. EMBRY. And Mr. Bentley passed it over the table to you?

Mr. IVES. Yes, sir.

Mr. EMBRY. As a matter of fact, you know very little about this account, do you?

Mr. IVES. I made it out.

Mr. EMBRY. From what data?

Mr. IVES. From this; I made that out from the copy that was taken from this. I have a copy.

Senator CURTIS. You have the original of that, have you?

Mr. IVES. Yes, sir; and I got this up.

Senator CURTIS. Let me interrupt you by asking a question on this point. Mr. Ives, how often do you transfer these accounts from your memorandum books to your regular account?

Mr. IVES. I have no regular time.

Senator CURTIS. Is not that a pretty loose way to do business in the handling of money as trustee.

Mr. IVES. I have never carried any money in my possession as trustee. I have advanced more money than I have ever received?

Senator CURTIS. I understand; but you run accounts and pay bills?

Mr. IVES. No, sir; I do not pay bills.

Senator CURTIS. But you have an account there, you pay something, do you not?

Mr. IVES. I do not run any accounts at all. Whenever anything is due it is paid. I do not run any accounts of any kind.

Senator CURTIS. And you put it in this little memorandum book and transfer it whenever it is convenient?

Mr. IVES. Yes, sir; whenever it is convenient.

Mr. EMBRY. As a matter of fact, as I understand from your statement, you are trustee and holding title as such to this land?

Mr. IVES. Yes, sir.

Mr. EMBRY. When you sell the land you expect, and it is your purpose, to turn the proceeds over to Mr. Bentley?

Mr. IVES. Yes, sir.

Mr. EMBRY. And let him dispose of them to the Indians?

Mr. IVES. Yes, sir.

Mr. EMBRY. And you do not get any further account from him of what he does with the money?

Mr. IVES. No, sir; not at all.

Mr. EMBRY. That is the way you have conducted the business in the past, is it?

Mr. IVES. Yes, sir.

Mr. EMBRY. And it is the way you expect to conduct it in the future, is it?

Mr. IVES. Yes, sir.

Mr. EMBRY. And from that you expect to receive 10 per cent on the sales?

Mr. IVES. That was my understanding of it. Mr. Bentley said that the amount is left blank in the contract; however, we have discussed that matter and talked about 10 per cent, and I thought that 10 per cent was in the contract, but I may be mistaken about that.

Mr. EMBRY. You had in your mind that that would be about proper for you, did you not?

Mr. IVES. That was the amount that we discussed.

Mr. EMBRY. With respect to Kish-kin-e-quote, the S.  $\frac{1}{4}$  SE.  $\frac{1}{4}$  sec. 12, T. 10, R. 3, and the N.  $\frac{1}{4}$  NE.  $\frac{1}{4}$  sec. 10, T. 12, R. 3, I wish you would turn to those items. Are you acquainted with the value of that land?

Mr. IVES. I know it very well.

Mr. EMBRY. What is it worth?

Mr. IVES. It ought to be worth \$100 an acre, and there are 80 acres which ought to be worth \$8,000 at a very fair valuation. If the town builds up it will be worth more.

Mr. EMBRY. How far is that from the town?

Mr. IVES. It lies right along the Kickapoo line; they are a mile north of Highland street and right along the Kickapoo line.

Mr. EMBRY. What do you mean by the Kickapoo line?

Mr. IVES. The Kickapoo line is the west side of the original town here.

Mr. EMBRY. Now, with respect to the north half of the northeast quarter, what is the fair valuation of that land?

Mr. IVES. That ought to be worth \$7,000.

Mr. EMBRY. Then those two tracts ought to be worth \$15,000?

Mr. IVES. Yes, sir; I think so. The north half would not sell as readily as the south half.

Mr. EMBRY. You have mortgaged them to Mr. Bonnet for \$11,000, have you not?

Mr. IVES. Yes, sir.

Mr. EMBRY. And that \$11,000 is for what purpose?

Mr. IVES. That was for the purpose of protecting any overdraft that Mr. Bentley may have made there.

Mr. EMBRY. You made this trust declaration in September, 1906, did you not?

Mr. IVES. I can not remember the date; it was during 1906 sometime.

Mr. EMBRY. You remember that those deeds were taken down there along in July, do you not?

Mr. IVES. Some of them; some of them were taken later and some of them one or two times this year.

Mr. EMBRY. As to the big bunch, no considerable number were taken later than August, were they?

Mr. IVES. I think most of them were taken prior to September.

Mr. EMBRY. And is it your recollection now that you acknowledged your trust instrument in September, 1906?

Mr. IVES. I would not attempt to give the date.

Mr. EMBRY. The 11th day of September, 1906?

Mr. IVES. If that is the date in the record; yes, sir.

Mr. EMBRY. Now, after taking those deeds and before you acknowledged your trust agreement and filed with the First National Bank, you mortgaged those two tracts of land to Mr. Bonnet, did you not?

Mr. IVES. I think—probably so; I think it was between the two dates.

Mr. EMBRY. And you have no more definite understanding of the purpose except to secure any advances of that bank to Mr. Bentley?

Mr. IVES. That was it.

Mr. EMBRY. You never required any account touching this indebtedness as to what was due on these mortgages?

Mr. IVES. I never required an account of Mr. Bentley in my life.

Mr. EMBRY. Is it not a fact that you made this trust instrument because of the investigation of these land matters?

Mr. IVES. No, sir.

Mr. EMBRY. Why did you not make it when you went down to get these deeds?

Mr. IVES. Because Mr. Bentley had money on hand and thought perhaps he would have all that he would need at the time he first went.

Mr. EMBRY. That trust agreement of yours touching the title to these lands is held by the very man whose interest it is to hold an absolute lease on this land, is it not—that trust agreement is held by Mr. Bonnet himself?

Mr. IVES. The trust agreement was in Mr. Bonnet's bank.

Mr. EMBRY. You understand that it is there now, do you not?

Mr. IVES. I understand that it is in the hands of the committee now.

Mr. EMBRY. You understand that it has not been recorded in any of the accounts where the land is suggested?

Mr. IVES. I do.

Mr. EMBRY. And you understand that this agreement on these land allotments is an absolute general warranty on its face?

Mr. IVES. Yes, sir.

Mr. EMBRY. Now, in addition to giving Mr. Bonnet a mortgage on these two tracts of land, you understand that one tract was conveyed to him outright, do you not?

Mr. IVES. I believe there was one up by Harrah some place. I do not remember the numbers of the pieces of land.

Mr. EMBRY. You understand this same Mr. Bonnet is the custodian of the San Francisco ranch title papers, or your trust deed, and of everything that would in any way protect these Indians in any of their property?

Mr. IVES. I believe he has charge of all papers of every nature. They have been deposited in his bank.

Mr. EMBRY. But it is also your understanding that not one of the papers required to protect these Indians is recorded in any office anywhere?

The CHAIRMAN. Do you claim as a lawyer that a declaration of trust ought to be recorded?

Mr. EMBRY. Not to pass title; I am not claiming that. But in a matter of this kind it is highly proper that it should be.

The CHAIRMAN. I assert that it is not highly proper.



By Mr. EMBRY. Why did not you and Bentley deposit these title papers in the hands of some disinterested parties who had no interest in these land mortgages or deeds to them?

Mr. IVES. Because Mr. Bentley was doing all of his business practically through the Border National Bank, and he put them in there just as he would through any other bank where he would do business; he used that as his bank in all matters; he deposited his papers there and kept his account there, and everything else that he was doing in a banking way.

Mr. EMBRY. And gets money there?

Mr. IVES. He has at different times, I think.

Mr. EMBRY. And he keeps these papers there as further security to that bank for advances of money made to him from time to time?

Mr. IVES. I do not think so; I do not know that, though.

Mr. EMBRY. Why have you not seen that the title to that San Francisco ranch has been conveyed to the proper Indians?

Mr. IVES. Because that was outside of my part of the work.

Mr. EMBRY. Now, Mr. Ives, there are some lists that I want to run over and see if they are correct. The first are lots 3 and 4 in sec. 6, T. 12, R. 1; it is the Kee-nah-ko-thet land. Have you the deed there?

Mr. IVES. I do not think I have any deed of that kind.

Mr. EMBRY. There is a statement here that indicates it.

Mr. IVES. Oh! yes, sir; that deed, I think, is in the hands of Mr. Everest, at Oklahoma City. I think there is a suit on that. Is that not a piece that Mr. Chapman had, lots 2 and 3?

Mr. EMBRY. I am not sure. You know of this tract of land?

Mr. IVES. I know of it; yes, sir.

Mr. EMBRY. What is its reasonable value?

Mr. IVES. It is pretty good land; I should think that land ought to be worth \$50 an acre.

Mr. EMBRY. How far is that from Shawnee?

Mr. IVES. Pardon me; I am mistaken. Kee-nah-ko-thet—that is a piece of land that I sold to Mr. Fletcher for \$3,600.

Mr. EMBRY. You sold it on December 13, 1906?

Mr. IVES. I do not remember the date.

Mr. EMBRY. What did you do with the money?

Mr. IVES. That was applied on a note where money had been borrowed from Mr. Everest.

Mr. EMBRY. I wish you would look at your account and see if you have an entry of the receipt of that \$3,600—on your account rendered here.

Mr. IVES. There was only \$1,500 paid on that; there is a mortgage of \$2,100.

Mr. EMBRY. Have you an entry of the \$1,500 on your account which was paid? It appears here to be of date December 13, 1906.

Mr. IVES. Here is an account of \$1,335.85, the amount paid over, less expenses.

Mr. EMBRY. Where do you show that on your receipts?

Mr. IVES. This is the money collected by me.

Mr. EMBRY. Under what date have you entered that?

Mr. IVES. December 22.

Mr. EMBRY. It that among your credit items?

Mr. IVES. Yes, sir.

Mr. EMBRY. You say on this tract of land there was considered \$1,500?

Mr. IVES. Yes, sir.

Mr. EMBRY. What disposition was made of that money?

Mr. IVES. There was a difference between \$1,500 and \$1,313, which would make about \$187; that is in the nature of expenses, and the balance was applied to the note, as I explained.

Mr. EMBRY. Of what do those expenses consist?

Mr. IVES. They consist of an abstract, acknowledgments, and notary fees, and sending to Washington to get a copy of the trust patent, and 5 per cent on the sale, which went to Mr. Everest.

Mr. EMBRY. That was your commission, was it?

Mr. IVES. I have never received any commission on any of this.

Mr. EMBRY. Where did the rest of the money go?

Mr. IVES. It went on the note.

Mr. EMBRY. To pay a note of whose?

Mr. IVES. It was a note and mortgage on the Ah-kis-kuck and wife land, made by Mr. Bentley and wife to Mr. Everest, and there was a mortgage on this as additional security to that at the time this sale was made. I do not remember the amount of that mortgage, but I think I have it with me—yes, here it is. It was canceled at the time the sale was made and the money paid over.

Mr. EMBRY. If I understand, now, prior to this time Mr. Bentley and wife had given Mr. Everest a mortgage for a similar amount on another tract of this land?

Mr. IVES. Yes, sir.

Mr. EMBRY. And this money went to pay that?

Mr. IVES. There was also a mortgage on this land to cover the same money.

Mr. EMBRY. Do you know what Mr. Bentley did with the money which he had received on the former mortgage?

Mr. IVES. He used it with the Indians down in Mexico.

Mr. EMBRY. Did he ever render you any account of that?

Mr. IVES. He never has; no, sir.

Mr. EMBRY. Part of this is not paid; I see the consideration is recited as \$3,600?

Mr. IVES. Yes, sir; \$2,100 of it is not paid.

Mr. EMBRY. Who has that note for \$2,100?

Mr. IVES. I turned that over to Mr. Everest some time ago to apply on that same mortgage.

Mr. EMBRY. Did not the money that you advanced, thirteen hundred and some odd dollars, pay the mortgage?

Mr. IVES. It was \$5,000 originally.

Mr. EMBRY. Then Mr. Bentley had prior to that time borrowed from him \$5,000?

Mr. IVES. Yes, sir.

Mr. EMBRY. Now as to the E.  $\frac{1}{2}$  S. E.  $\frac{1}{4}$  sec. 25, T. 12, R. 1, the Johnny Mine allotment, you had a deed for that, had you not?

Mr. IVES. Yes, sir.

Mr. EMBRY. What is that land worth?

Mr. IVES. That land is worth, perhaps, \$3,600 or \$3,700.

Mr. EMBRY. And you sold it for how much?

Mr. IVES. Fifteen hundred dollars in cash.

Mr. EMBRY. Did you receive a note?

Mr. IVES. No, sir.

Mr. EMBRY. You sold the land to Mr. Sweeney, did you not?

Mr. IVES. Yes, sir.

Mr. EMBRY. As trustee, did you deem it your duty, when the purchaser failed to pay the price, that you should take security for the balance?

Mr. IVES. There was no balance; the balance was to be for services rendered by Mr. Sweeney. There was no balance that was paid in cash.

Mr. EMBRY. Then Mr. Sweeney had rendered services where?

Mr. IVES. To Mr. Bentley.

Mr. EMBRY. In getting deeds in Mexico?

Mr. IVES. He had rendered services to Mr. Bentley in Mexico.

Mr. EMBRY. In securing deeds to this land?

Mr. IVES. I presume so.

Mr. EMBRY. And he was to have part of the value of this land for that service?

Mr. IVES. Yes, sir.

Mr. EMBRY. Here is the deed of Mah-tah-wah for the N.  $\frac{1}{2}$  NW.  $\frac{1}{4}$  sec. 4, T. 10, R. 3. You are acquainted with that land?

Mr. IVES. Yes, sir.

Mr. EMBRY. What is its value?

Mr. IVES. That land is not in a very well improved condition; it is good land and will be, when a little improved, worth \$50 an acre. At the present time I should say it was worth \$40 an acre.

Mr. EMBRY. That would aggregate about \$3,200?

Mr. IVES. Yes, sir.

Mr. EMBRY. You have mortgaged that, have you not?

Mr. IVES. That and the two south of it, and one further across on section 9 to Mr. Eagan, covering that \$4,000.

Mr. EMBRY. That is four tracts that you mortgaged to Mr. Eagan?

Mr. IVES. Yes, sir.

Mr. EMBRY. Now, that is \$4,000 which you secured and sent where?

Mr. IVES. To Eagle Pass on August 11, 1906.

Mr. EMBRY. Here is the S.  $\frac{1}{2}$  of the NW. and the N.  $\frac{1}{2}$  of the SW., sec. 18, T. 11, R. 3. That includes an additional tract?

Mr. IVES. Yes, sir.

Mr. EMBRY. That is included in the mortgage to Mr. Eagan, is it?

Mr. IVES. The same; yes, sir.

Mr. EMBRY. Here is Wah-pah-ho-ko and husband, the S.  $\frac{1}{2}$  NW.  $\frac{1}{4}$  sec. 4, T. 10, R. 3. What is the value of that tract of land?

Mr. IVES. I think that is valued at \$2,500.

Mr. EMBRY. Here is Wah-puck-we-che's land, the W.  $\frac{1}{2}$  NE.  $\frac{1}{4}$  of sec. 9, T. 10, R. 3.

Mr. IVES. That is included in the same mortgage to Mr. Eagan.

Mr. EMBRY. What is the value of that land?

Mr. IVES. About \$2,000.

Mr. EMBRY. Here is another tract which appears to be in the name of Wah-puck-we-che, being lots 2 and 3, sec. 23, T. 12, R. 1. Is that included in the same mortgage?

Mr. IVES. That is included in the second mortgage that I mentioned last evening.

Mr. EMBRY. What is the value of that land?

Mr. IVES. Is that the full 80?

Mr. EMBRY. It is lots 2 and 3.

Mr. IVES. There is a fraction included in that adjoining. The full 80 is worth \$4,000; the fractions are not so valuable.

Mr. EMBRY. Another is We-ah-che-ka, being the W.  $\frac{1}{2}$  SW.  $\frac{1}{4}$  sec. 15, T. 12, R. 1. What is the value of that land?

Mr. IVES. I sold it for \$4,000.

Mr. EMBRY. Did you get the money?

Mr. IVES. I got \$1,000.

Mr. EMBRY. Is that accounted for?

Mr. IVES. Yes, sir.

Mr. EMBRY. Have you charged yourself with that in your account?

Mr. IVES. Yes, sir.

Mr. EMBRY. Did Mr. Everest have that money, too?

Mr. IVES. This was paid to Mr. Everest; and Mr. Everest paid me the balance after taking out all expenses, and also settling up accounts that had been made on this Kickapoo matter. which left a balance of \$435.60.

Mr. EMBRY. That is your statement there, that you charged the estate with that the way you have got it there?

Mr. IVES. There is an item there of \$338 paid to Mr. Everest as a fee for going to Washington and trying to get a patent issued on this land down here. That was sold to the Shawnee Townsite Company.

Mr. EMBRY. Where is the entry showing that you received the \$1,000—that is, when you paid it out; where have you charged yourself with it; where is your entry showing that you received it and would be liable for this money? Mr. Everest has been attorney in this case quite a good deal, has he not?

Mr. IVES. Yes, sir.

Mr. EMBRY. And some of this money went to Mr. Everest as fees?

Mr. IVES. Yes, sir.

Mr. EMBRY. What portions of it, if you know?

Mr. IVES. Cases where there were sales made through his influence he was to get 5 per cent where he made the sale and closed it up.

Senator CURTIS. That is quite a big commission, is it not?

Mr. IVES. It is the usual commission.

Senator CURTIS. In this country?

Mr. IVES. Yes, sir.

Senator CURTIS. In the sale of a tract of land, by the time Mr. Bentley gets his pay as representative of the Indians and you as trustee of the title and Mr. Everest a commission for sale, it would be pretty hard on the Indian, would it not?

Mr. IVES. We do not expect that to happen in many cases.

Senator CURTIS. It has happened, has it not in practically all that have happened, has it not?

Mr. IVES. It happened in the Shawnee Townsite Company case because we have had so much opposition in making sales that it has been very expensive for us to handle any at all, and for that reason we practically quit trying to make sales, because it was so expensive that we could not make any kind of showing.

Senator CURTIS. How many allotments if you know, do you hold now other than those that you have sold?

Mr. IVES. I believe I have sixty deeds here; some of them are for equities and I have sold four pieces outside of those over here.

The CHAIRMAN. Outside of what?

Mr. IVES. Outside of the Shawnee Townsite matter.

The CHAIRMAN. Outside of the Shawnee Townsite interest, whatever that is.

Mr. IVES. Yes, sir; I have sold four besides that; I believe that is correct.

Mr. EMBRY. Have you examined this transcript as to the appraised value of any of this land?

Mr. IVES. No, sir; I never saw it.

Mr. EMBRY. I want to ask you Mr. Ives how many deeds you have to this Kickapoo land not including the first seven, if you have any?

Mr. IVES. Yes, sir; I have some of them.

Mr. EMBRY. Not including those, and not including those about which you have been testifying, where there were sales or mortgages, how many have you—not including either of those two classes?

Mr. IVES. I have sixty here altogether; I do not remember just how many we have been talking about.

Senator CURTIS. Then you would have sixty less the seven and the other transactions?

Mr. IVES. Yes, sir.

The CHAIRMAN. I understand as to some of them the Indians have executed them twice. Some executed two deeds for the same piece of land.

Mr. IVES. Yes, sir, in a few cases. In the first seven they have all executed twice.

The CHAIRMAN. Have you copies of those deeds?

Mr. IVES. No; I have not copies, I have the sixty original deeds.

Mr. EMBRY. You have a deed to Ah-che-che have you not?

Mr. IVES. Yes, sir.

The CHAIRMAN. There is a list in the record that Mr. Outcalt reported?

Mr. EMBRY. Mr. Outcalt reported touching the seven.

The CHAIRMAN. All of them, as you will find if you will look it over. The list was put in the record by Mr. Goode. There may have been some that were omitted, but I suppose the list contains all that had been executed up to that time, so I do not think it is worth while to put them in the record again.

Mr. EMBRY. No, sir; I do not want to take up the time of the committee. Mr. Ives, I have a list here, the best I can ascertain, showing 47 allotments held by you. There may be a slight error in that, but it is substantially correct.

Mr. IVES. I think, perhaps, there are two or three more than that.

Mr. EMBRY. You are fairly well acquainted with the land covered by those deeds?

Mr. IVES. Most of it.

Mr. EMBRY. What do you estimate as the value of the land covered by those deeds to you?

Senator CURTIS. With perfect title?

Mr. EMBRY. Yes; with perfect title.

Mr. IVES. I just gave you a guess of \$250,000. That includes the first seven. It would run up to perhaps \$175,000 or \$185,000, some-

thing like that, including the Shawnee townsite down here that I have already sold.

Mr. EMBRY. That is, the deposit is due?

Mr. IVES. No, sir; including the amount that I paid and the amount that is yet due.

Mr. EMBRY. Now, Mr. Ives, what I want to get at is this: I find these 47 deeds, as far as my data is concerned, to be contracts which should have been deeded to you and on which there has been no incumbrance, and sold by you; that is what I attempted to get in this list?

Mr. IVES. Yes, sir. Did you mean those that I have not incumbered in any way?

Mr. EMBRY. Yes; that was what I was trying to get at. We have talked about the value of some that have been sold already, and I do not care to duplicate that.

Mr. IVES. I could hardly estimate that.

Mr. EMBRY. Let me ask you if the names are right. Ah-che-che, what is that worth?

Mr. IVES. Four thousand dollars.

Mr. EMBRY. Chah-ke-che?

Mr. IVES. Practically the same.

Mr. EMBRY. Practically \$4,000.

Mr. IVES. Yes, sir; or maybe a trifle less.

Mr. EMBRY. Ah-che-che is an heir, is he?

Mr. IVES. To what piece?

Mr. EMBRY. You know he bought one heirship, do you not?

Mr. IVES. Yes, sir; but I do not know positively unless I know the number.

Mr. EMBRY. For his son Mah-ma-ne-mah, the W.  $\frac{1}{2}$ , S. E.  $\frac{1}{4}$ , sec. 2, T. 12, R. 1?

Mr. IVES. That is worth \$3,500 or \$3,800.

Mr. EMBRY. Now, as to Ah-ke-na-ma-tho-quah; what is that worth—lot 5, sec. 26; lot 6, sec. 23; lot 6, sec. 14; T. 10, R. 3?

Mr. IVES. That has more than 80 acres in it, I think, and it is fractional. It is very hard to put an estimate on it. Some is fair and some is not. I expect it is worth on account of its location perhaps \$3,500; otherwise it would not be worth near so much.

The CHAIRMAN. That is exactly Mr. OUTCELT's estimate of it—\$3,500; he puts the same value on it as this gentleman.

Mr. EMBRY. I have noticed a few cases where his valuation differs. Mr. Ives, here is the allotment of Ah-nah-tha-hah-quah—is that a duplicate that I have, or have you two deeds signed in that name; is it the N.  $\frac{1}{2}$ , N. W.  $\frac{1}{4}$ , sec. 14, T. 10, R. 3.

Mr. IVES. On account of the location that is worth \$3,500.

Mr. EMBRY. Here is Ah-ne-sha-wah-to, the N. W.  $\frac{1}{4}$ , N. E.  $\frac{1}{4}$ , and lot 4 in sec. 22, T. 12, R. 1. What is the value of that?

Mr. IVES. I could not give you a fair valuation of that because I have not been over that land well enough to do it.

Mr. EMBRY. This land of I-nesh-kin, Mack Johnson's wife's land, what is the valuation of that?

Mr. IVES. That is perhaps worth from \$1,800 to \$2,000.

Mr. EMBRY. That is the tract, which you say if she wants to stay on you will not cause her any disturbance?

Mr. IVES. She can stay there during her lifetime if she wants to.

Mr. EMBRY. If she wants the deed back you will give it back to her?

Mr. IVES. Yes, sir; I will.

Senator CURTIS. You would want that other deed to Joe Adams canceled before you gave it back, would you not?

Mr. IVES. Yes, sir; if he has a deed, I would.

Senator CURTIS. You would want to be protected against that?

Mr. IVES. I certainly would not give that deed back if he has one. I am willing as far as she is concerned to let her have the land.

Senator CURTIS. And as far as the Government is concerned?

Mr. IVES. Yes, sir.

Mr. EMBRY. Would you not be willing as far as the Indians are concerned, and as far as the Government is concerned to reconvey all this land?

Mr. IVES. I would be willing as far as I am concerned.

Mr. EMBRY. Are you under such obligations that you would not be free to do it?

Mr. IVES. I am under obligations to the Indians to hold it unless they want it back.

Mr. EMBRY. The question was as far as the Government is concerned and the Indians are concerned, you would be willing to reconvey all this land, would you?

Mr. IVES. I would, provided they came back here and wanted it.

Mr. EMBRY. Provided they stayed in Mexico and wanted it, what do you say about that?

Mr. IVES. If we have to pay the expenses, then I would expect to use the land to purchase some place there according to our agreement.

Mr. EMBRY. Have you not already received money enough to pay the expenses?

Mr. IVES. I have paid out more than I have received, as my account shows, by between \$5,000 and \$6,000.

Mr. EMBRY. But you do not know whether what you have paid out has been properly applied to expenses?

Mr. IVES. I am assuming that it has been. If I did not think it had been I would not have paid it over.

Mr. EMBRY. You never required any statement of expenditures to see whether it has been?

Mr. IVES. I have not.

Mr. EMBRY. We were talking about the Kah-pah-he-ho-quah land, being the E.  $\frac{1}{2}$  NW.  $\frac{1}{4}$  sec. 8, T. 12, R. 1. What is the value of that land?

Mr. IVES. That is worth \$3,000.

Mr. BENTLEY. Who is the allottee?

Mr. EMBRY. The allottee is Kah-pah-he-ho-quah; the land is the E.  $\frac{1}{2}$  NW.  $\frac{1}{4}$  sec. 8, T. 12, R. 1.

Mr. IVES. If it is the one that Mr. Ragland lives on it is worth \$3,000.

Mr. EMBRY. Now as to the land of Ke-ah-qu-a-mo-ke and Kan-ne-pe-the her husband, being the N.  $\frac{1}{2}$  SE.  $\frac{1}{4}$  sec. 5, T. 10, R. 3. What is the value of that land?

Mr. BENTLEY. It is the land in section 4, belonging to Pah-ke-no's daughter.

Mr. EMBRY. It is sec. 5, T. 10, R. 3.

Mr. IVES. That is in its present condition perhaps worth \$1,500; that would be a good price for it under its present condition.

Mr. EMBRY. Referring to your testimony as to the one to which you have last referred, we assume that that was Ke-ah-qu-a-mo-ke's own allotment and not an heirship?

Mr. IVES. Yes, sir.

Mr. EMBRY. Now, what do you say as to its value?

Mr. IVES. The two adjoin, and there is practically no difference in their value.

Mr. EMBRY. Then the heirship tract belonging to that Indian is worth \$1,500, according to your valuation?

Mr. IVES. Yes, sir.

Mr. EMBRY. Now as to the land of Ke-ah-qu-a-mo-ke, being lots 2 and 3 in sec. 23, T. 12, R. 1; what is the value of that?

Mr. IVES. That is one of the pieces that Mr. Eagan has included in the second mortgage. I do not know the real value of that, but it would be very little.

Mr. EMBRY. It is your impression that that is included?

Mr. IVES. I have not a very clear idea as to that.

Mr. EMBRY. You are not clear as to whether that is included in the mortgage or not?

Mr. IVES. No, sir.

Mr. EMBRY. What is the value of it?

Mr. IVES. I have no clear idea as to the value of that; I am not sure whether I have the real piece in mind at all.

Mr. EMBRY. Now, as to the land of Ke-ah-qu-a-mo-ke, being the E.  $\frac{1}{2}$  SW.  $\frac{1}{4}$  sec. 33, T. 12, R. 2; what is the value of that?

Mr. IVES. I am not familiar with that piece.

Mr. EMBRY. Now, as to the land of Ma-sha-she, being the S.  $\frac{1}{2}$  NW.  $\frac{1}{4}$  and the N.  $\frac{1}{2}$  SW.  $\frac{1}{4}$  sec. 18, T. 11, R. 3; what is the value of that land?

Mr. IVES. I do not know that land well enough to put a value on it. I do not think I have been on that land in ten years.

Mr. EMBRY. Now, as to the land of Ma-ska-she and wife, being the S.  $\frac{1}{2}$  NW.  $\frac{1}{4}$  sec. 18, T. 11, R. 3; what have you to say about that?

Mr. IVES. That is the same tract.

Mr. EMBRY. Now, as to the land of Ma-she-kah and husband, Noten, being lots 3 and 4 in sec. 7, T. 12, R. 1; what is the value of that land?

Mr. BENTLEY. That is the land George King is on, I think.

Mr. IVES. That is worth between \$3,500 and \$4,000.

Mr. EMBRY. Now, as to the land of Nah-nah-shi-skin-no-quah, being the NE.  $\frac{1}{4}$  SW.  $\frac{1}{4}$ , and lot 1, sec. 8, T. 12, R. 1; what is the value of that land?

Mr. IVES. That is the one I was valuing a while ago. That is worth \$3,000, perhaps, the one that I valued a while ago. This must be worth more than that. I think from the description it must be right north of this piece.

Mr. EMBRY. Now, as to Na-nah-shi-skin-no-quah, being the NW.  $\frac{1}{4}$  SE.  $\frac{1}{4}$  and lot 2, sec. 8, T. 12, R. 1.

Mr. BENTLEY. Nobody has a title to that; there are a lot of minor children in it and the deed there only conveys part equity.



Mr. IVES. I think we have a small equity in that; if I am not mistaken, I leased that jointly with Mr. Thackery.

Mr. EMBRY. You have but a partial interest in that tract of land?

Mr. IVES. Yes, sir.

Mr. EMBRY. How about Wah-paw-sole's land?

Mr. IVES. That is worth about \$4,000.

Mr. EMBRY. Now, what is the value of the land of Na-mah-che-tha-qua, being lots 3 and 4 in sec. 13, T. 11, R. 2?

Mr. IVES. I am not familiar with that.

Mr. EMBRY. How about the land of Ne-pah-pah to Ida B. Bentley and yourself, being the N.  $\frac{1}{2}$  SE.  $\frac{1}{4}$  sec. 12, T. 10, R. 3; what is the value of that?

Mr. IVES. That ought to be worth \$100 an acre.

Mr. EMBRY. That would be \$8,000?

Mr. IVES. Yes, sir.

Mr. EMBRY. Now, how about the land of Ne-kah-na-pit, being the N.  $\frac{1}{2}$  NE.  $\frac{1}{4}$  sec. 14, T. 10, R. 3; what is the value of that?

Mr. IVES. That is worth, on account of location, \$4,000. Except for that, it would be worth about \$2,000.

Mr. EMBRY. What is the special feature of the location?

Mr. IVES. It lies a mile and a half or two miles from the town here. That is one of the original seven.

Mr. EMBRY. Now, with regard to the land of Okemah, on behalf of Pah-ka-ton-oke, heir of mother, Tho-kah-qua-muck, being the N.  $\frac{1}{4}$  SW.  $\frac{1}{4}$  sec. 24, T. 10, R. 3; what is the value of that land?

Mr. IVES. We have a small equity in that, I think a one-fifth interest.

Mr. EMBRY. Well, we will not bother with that. How about the land of Okemah, father of Pah-kah-tuck, to Mrs. Bentley, being lots 1, 2, and 5 in sec. 25, T. 10, R. 3; are you acquainted with that land?

Mr. IVES. Yes, sir.

Mr. EMBRY. What is the value of that land?

Mr. IVES. That is worth perhaps from \$50 to \$60 an acre.

Mr. EMBRY. That would be \$4,000?

Mr. IVES. It is not an even 80; it is fractional.

Mr. BENTLEY. That does not belong in the pool; it is a different transaction entirely.

Mr. EMBRY. At \$50 an acre it would be \$4,000?

Mr. IVES. It is not an even 80; it is fractional.

Mr. EMBRY. What would you estimate the total value of that at?

Mr. IVES. That ought to be worth \$4,000, perhaps, but I do not think over that. I think it runs a little over a full 80.

Mr. EMBRY. Does that belong to Mrs. Bentley absolutely?

Mr. IVES. I have nothing at all to do with that.

Mr. EMBRY. You do not know anything about the character of her title?

Mr. IVES. I do not know anything particularly about that; it is outside of mine altogether.

Mr. EMBRY. How about the land of O-que-mah-ah-them, being the N.  $\frac{1}{2}$  N.E.  $\frac{1}{4}$  of sec. 19, T. 11, R. 3; what is the value of that land?

Mr. IVES. I could not give you a fair valuation of that. It is a pretty good piece of land.

Mr. EMBRY. Here is another tract by the same Indian, being the W.  $\frac{1}{2}$  of the N.W.  $\frac{1}{4}$  of sec. 15, T. 12, R. 1?

Mr. IVES. That is worth \$3,500; we have only an equity in that, I believe.

Mr. EMBRY. What equity?

Mr. IVES. If that is the O-que-mah-ah-them individual allotment we have a straight deed to it, but they deeded one allottee some heir land and we have only an equity in the heir land.

Mr. EMBRY. What proportion?

Mr. IVES. I do not remember as to that; I do not remember how the heirship runs.

Mr. BENTLEY. It is about one-third, Mr. Embry.

Mr. EMBRY. Now about the land of Pah-e-nah, being the W.  $\frac{1}{2}$  SW.  $\frac{1}{4}$  sec. 11, T. 10, R. 3; what is the value of that land?

Mr. IVES. That is worth from \$3,500 to \$4,000. The location has something to do with that also.

Mr. EMBRY. What is the peculiar feature of the location?

Mr. IVES. It lies close to town.

Mr. EMBRY. Here is the land of Pah-ko-tah; what is the value of that?

Mr. IVES. That will sell for \$4,000 on account of location.

The CHAIRMAN. Mr. Outcalt says it is worth \$3,200.

Mr. IVES. I think it will sell for more.

Mr. EMBRY. With regard to the land of Pem-e-tum-wah, are you familiar with that tract of land?

Mr. IVES. Is that Pakotah's wife?

Mr. EMBRY. I am confused in my data here and do not find that.

Mr. BENTLEY. It is not in this list.

Mr. EMBRY. Have you a deed to that?

Mr. BENTLEY. Mr. Ives has a deed to it; it was taken last spring, and there should be a record of it.

Mr. IVES. That is worth \$3,500.00.

Mr. EMBRY. Now, with respect to Pah-nah-keth-ko, as I have it here; it is the W.  $\frac{1}{2}$  SW.  $\frac{1}{4}$  sec. 18, T. 12, R. 2.

Mr. IVES. I am not familiar with that.

Mr. EMBRY. Now, with respect to the land of Ske-na-tho-pe, being the E.  $\frac{1}{2}$  SE.  $\frac{1}{4}$  sec. 2, T. 11, R. 2; what is the value of that?

Mr. IVES. About \$900.

Mr. EMBRY. Now as to the land of Sha-wah-kah being lot 11, sec. 17, T. 12, R. 1, and lots 2 and 3, sec. 18, T. 12, R. 1, and lots 2 and 3, sec. 20, T. 12, R. 1; what is the value of that?

Mr. IVES. It would be hard to place a value on it; it is scattered and in small tracts. I tried to get the man to run his fence around it last spring and pasture it for nothing, but he did not do it.

Mr. EMBRY. At what do you estimate its value?

Mr. IVES. I think \$400 or \$500 would be a good price for it. Part of that is being used by Mr. Alexander's people, but they pay no rent for it.

Mr. EMBRY. Who is Alexander?

Senator CURTIS. Tony Alexander?

Mr. IVES. Yes, sir.

Senator CURTIS. What has become of the timber on it?

Mr. IVES. I do not know whether there was any ever on it.

Senator CURTIS. If there was it has been taken by somebody, has it not?

Mr. IVES. I do not know; there is no timber on it now.

Senator CURTIS. The only man in possession of it recently is Tony Alexander or his mother-in-law?

Mr. IVES. His mother-in-law.

Senator CURTIS. Does Tony hang around there when he is in this country?

Mr. IVES. I understand that he does, but I do not know.

Mr. EMBRY. Is there any evidence of timber having been on the land?

Mr. IVES. Down on the lower part of it. I have not been over it sufficiently to state. It is nothing now but wild plum brush, and it is very sandy.

Mr. EMBRY. Do you know whether any timber has been cut from it or not?

Mr. IVES. I do not know that there has been.

Mr. EMBRY. Have you been over it sufficiently to make any observation as to whether there has been or not?

Mr. IVES. I have been over the better part. The lots are very small, lying right along by the river; you can see it all from the road. There is still some cottonwood timber lying next to the river, but I have not been down next to the river to see what has been cut there. There is a little strip of territory lying next to the road.

Mr. EMBRY. That is Sho-wa-ka-s?

Mr. IVES. Yes, sir.

Mr. EMBRY. Now as to the land of Tah-pah-the-a, being the E.  $\frac{1}{2}$  SW.  $\frac{1}{4}$  sec. 11, T. 10, R. 3; what is that worth?

Mr. IVES. I consider that worth \$4,000. That is one of the original seven.

Mr. EMBRY. That is one of the original seven that have not been sold?

Mr. IVES. Yes, sir; that is one that has a suit on it.

Mr. EMBRY. Now, as to the land of Tah-na-ke-ah, being lots 2, 3, and 4, sec. 15, T. 10, R. 3; what is the value of that?

Mr. IVES. That is a sandy piece of land and is badly divided—another man's land cuts it in two.

Mr. EMBRY. What is its value?

Mr. IVES. Perhaps on account of being close to the town it is worth \$3,200; otherwise it would be worth a good deal less.

The CHAIRMAN. How many acres are there in that land?

Mr. IVES. There are a little over 80; I think 81 and a fraction.

The CHAIRMAN. You place the value of that at \$3,200?

Mr. IVES. Yes, sir.

Mr. EMBRY. Now about the land of Wah-nah-ke-tha-hah and wife to Mrs. Bentley, being the N.  $\frac{1}{2}$  S. E.  $\frac{1}{4}$ , sec. 13, T. 10, R. 13; that is one of the original seven, is it?

Mr. IVES. Yes, sir; that is one of the original seven.

Mr. EMBRY. What is the value of that land?

Mr. IVES. We consider that very valuable; we think that ought to be worth \$40,000, and hope some time by dividing it up that it will be worth a good deal more.

Mr. EMBRY. You hope to make town property out of that, do you?

Mr. IVES. Yes, sir.

Mr. EMBRY. Where is that tract situated?

Mr. IVES. Just west of the town here.

Mr. EMBRY. Does it adjoin the town?

Mr. IVES. It is just north of the Catholic Church here.

Mr. EMBRY. How much of that land fronts on this town?

Mr. IVES. It has a quarter of a mile frontage.

Mr. EMBRY. How many acres in all are there in the tract?

Mr. IVES. Eighty.

Mr. EMBRY. What is the character of the surface as to being regular or irregular?

Mr. IVES. It lies very well.

Mr. EMBRY. What is its character as to being elevated and suitable for town residence purposes, or being low?

Mr. IVES. It stands well, all of it.

Mr. EMBRY. It is the most desirable tract of land near this town in any direction, is it not?

Mr. IVES. I consider it so.

Mr. EMBRY. And so far as you know it has not been sold?

Mr. IVES. I am quite sure it has not been sold; I do not think it could have been sold without my knowing it.

Mr. EMBRY. Do you know whether anything has been paid to the Indian for that land?

Mr. IVES. I do not know whether anything has been paid at all.

The CHAIRMAN. Is that the piece of ground that has a corn crop on it now, right back of the Catholic Church?

Mr. IVES. Yes, sir; that is the same piece.

The CHAIRMAN. What do you say it is worth?

Mr. IVES. I think it is worth \$40,000 at the present time, and we think by dividing it up that it would be worth considerably more if the town goes ahead.

The CHAIRMAN. You mean by putting it into lots?

Mr. IVES. Yes, sir.

The CHAIRMAN. I would like to ask you if you are improving it now or doing anything with it?

Mr. IVES. We had it surveyed last spring so as to get the location of the streets in case it was laid out, and had shade trees planted there.

The CHAIRMAN. Where the streets will go when they are extended?

Mr. IVES. Along the line of where the streets will go; yes, sir.

Mr. EMBRY. Now, with regard to the land of Wah-pah-che-quah being the NE.  $\frac{1}{4}$  SW.  $\frac{1}{4}$  and lot 2, sec. 24, T. 12, R. 1; what is the value of that tract of land?

Mr. IVES. That is worth perhaps \$3,750.

Mr. EMBRY. Did I ask you about the land of Wah-puck-we-che, being the W.  $\frac{1}{4}$  NE.  $\frac{1}{4}$  sec. 9, T. 10, R. 3?

Mr. IVES. Yes, sir; you asked me about that; I value that at \$2,000.

Mr. EMBRY. Now as to the land of Wah-sko-tah, being the N.  $\frac{1}{4}$  SE.  $\frac{1}{4}$  sec. 11, T. 11, R. 2; what is the value of that land?

Mr. IVES. That ought to be worth \$4,000.

Mr. EMBRY. Now as to the land of Wah-theck-ko-na-ha, being the E.  $\frac{1}{4}$  NE.  $\frac{1}{4}$  sec. 23, T. 12, R. 1; what is the value of that?

Mr. IVES. I think I spoke about that a while ago. That is encumbered. I put a valuation on that of \$4,000. That is mortgaged.

Mr. EMBRY. There is a mortgage to Hal. Johnson on that, is there not?

Mr. IVES. Not by me.

Mr. EMBRY. Please look at these notes and see if they refresh your memory.

Mr. IVES. There is a mistake in some places. Hal. Johnson perhaps acknowledged the mortgage.

Mr. EMBRY. The abstract offered in that case shows a mortgage to Hal. Johnson.

Mr. IVES. I think that is an error. It must have arisen from the fact that Johnson was the notary only who took the acknowledgment.

Mr. EMBRY. Now, as to the land of Wah-we-ah, being the N.  $\frac{1}{4}$  NE.  $\frac{1}{4}$  sec. 14, T. 11, R. 2; what is the value of that land?

Mr. IVES. That is worth perhaps \$900.

Mr. EMBRY. Now, as to the land of We-ah-che-ka, being lots 5 and 6 of the NW.  $\frac{1}{4}$  SE.  $\frac{1}{4}$  sec. 9, T. 10, R. 3; what is the value of that land?

Mr. IVES. That is perhaps worth \$40 an acre. That is fractional.

Mr. EMBRY. You would value that at \$3,200, would you?

Mr. IVES. Yes, sir.

Mr. BENTLEY. If you will pardon me, we have only an equity in that.

Mr. IVES. Yes, sir; there is only an equity of it.

Mr. EMBRY. Only an equity of what proportion?

Mr. BENTLEY. One-third or one-fourth.

Mr. EMBRY. And you place the whole value at what?

Mr. IVES. About \$40 an acre.

Mr. EMBRY. \$3,200 would be safe would it?

Mr. IVES. I think it is worth that much; probably a little above that.

Mr. EMBRY. Now as to the land of We-ta-mah-o-tha, being the S.  $\frac{1}{4}$  N. E.  $\frac{1}{4}$  sec. 12, T. 11, R. 2; what is the value of that?

Mr. IVES. I think that ought to be worth a thousand dollars.

Mr. EMBRY. What other property have you received in trust for those Indians?

Mr. IVES. Nothing except land covered by those deeds that you speak of.

Mr. EMBRY. Have I called your attention to all the deeds that you now remember?

Mr. IVES. I can not say for certain whether you have or not. I have all my deeds here.

Senator CURTIS. To the best of your judgment?

Mr. EMBRY. To the best of your judgment, approximately, have I called your attention to all of them?

Mr. IVES. You have, the greater part of them.

Mr. EMBRY. When was the last deed that you took, did you remember?

Mr. IVES. Early this year sometime.

Mr. EMBRY. From whom did you take it?

Mr. IVES. I took it from some Indian who was down there in Mexico; I believe those covered land just about a mile or so from town; I can not remember the name of the Indian.

The CHAIRMAN. Mr. Bentley will refresh your memory.

Mr. BENTLEY. Was it Ah-ke-na-ma-tho?

Mr. IVES. Yes sir, and Pem-e-tum-wa.

Mr. EMBRY. You do not know those Indians personally, do you?

Mr. IVES. I have never been in Mexico in my life.

Mr. EMBRY. You have never taken any interest in looking after them, have you?

Mr. IVES. Only at this end of the line.

Mr. EMBRY. You do not feel that under the arrangement it is your duty to look after them?

Mr. IVES. I do not feel that it is my duty to do anything more than to attend to affairs at this end.

Mr. EMBRY. You are simply acting in the capacity as sales agent for these people, are you?

Mr. IVES. Yes, sir; and renting their land, collecting their rents, etc.

Mr. EMBRY. How many leases have you on these lands?

Mr. IVES. Leases made to me?

Mr. EMBRY. Yes; approximately. It is not of importance.

Mr. IVES. I think I have them all here.

Mr. EMBRY. Please give us the names and the lands; just enumerate them.

Mr. IVES. I have about 11 here, I think; 10 or 11.

Mr. EMBRY. Are those all the leases you have on the land?

Mr. IVES. I think these are all.

Mr. EMBRY. In addition to furnishing the committee a list, will you kindly furnish the Indian Office a list also?

Mr. IVES. Yes, sir.

The leases referred to by Mr. Embry are as follows:

*List of leases from Indians to W. W. Ives.*

Allotment No.	Name.	Description.	Consideration.
234	Kah-kah-to-the-qua .....	S. $\frac{1}{4}$ NW. $\frac{1}{4}$ sec. 13, T. 10, R. 3.	\$150.00
222	Me-thup-pe-hah .....	Lots Nos. 5 and 6 and NW. $\frac{1}{4}$ SE. $\frac{1}{4}$ sec. 9, T. 10 N., R. 3 E.	30.00
48	We-ah-che-kah .....	E. $\frac{1}{4}$ SW. $\frac{1}{4}$ sec. 15, T. 12, R. 1 E. and W. $\frac{1}{4}$ NE. $\frac{1}{4}$ and E. $\frac{1}{4}$ NW. $\frac{1}{4}$ sec. 24, T. 10 N., R. 3 E.	100.00
25, 26	Nah-nah-chi-skin-no-quah .....	SE. $\frac{1}{4}$ and lot 10 sec. 17, T. 12, R. 1 E., and lots 1 and 9 of above section, and $\frac{1}{4}$ interest NE. $\frac{1}{4}$ SW. $\frac{1}{4}$ and lot 2, sec. 8, T. 12 N., R. 1 E.	100.00
180	Wa-pa-ho-ko .....	NE. $\frac{1}{4}$ and N. $\frac{1}{4}$ SE. $\frac{1}{4}$ and S. $\frac{1}{4}$ NW. $\frac{1}{4}$ sec. 19, T. 11 N., R. 3 E.	300.00
204	Me-she-kah .....	S. $\frac{1}{4}$ SW. $\frac{1}{4}$ sec. 3, T. 10, R. 3 E.	75.00
28	Me-thup-pe-hah .....	Lots 6, 7, and 8 sec. 17, T. 12, R. 1 E.	50.00
10, 11	Ah-kis-kuch to Ida B. Bentley .....	E. $\frac{1}{4}$ SW. $\frac{1}{4}$ and W. $\frac{1}{4}$ SE. $\frac{1}{4}$ sec. 6, T. 12 N., R. 1 E.	300.00
215	Kish-ke-nick-quote .....	S. $\frac{1}{4}$ NE. $\frac{1}{4}$ sec. 12, T. 10, R. 3 E.	60.00
42	Wah-puck-we-che .....	W. $\frac{1}{4}$ SW. $\frac{1}{4}$ sec. 14, T. 12 N., R. 1 E.	25.00
272	O-ke-mah .....	E. $\frac{1}{4}$ SW. $\frac{1}{4}$ sec. 24, T. 10, R. 3.	100.00

<sup>a</sup> Annual.

The CHAIRMAN. Mr. Ives, you said at one time that you had so much opposition that you were unable to sell this land and raise money on it. What opposition did you refer to?

Mr. IVES. I referred to the opposition of Mr. Thackery's office.

The CHAIRMAN. What was that opposition—what did Mr. Thackery do?

Mr. IVES. The first thing he did was to circulate reports that our titles were not good, and later on suits were brought on them. We have also had considerable opposition from the Grimes, Benson, and Chapman crowd. They have brought a good many suits against us in many ways and tied up the titles.

The CHAIRMAN. They brought suits in cases where they took a second deed?

Mr. IVES. Yes, sir; they took second deeds on practically all the land that we had except a few pieces that were encumbered. They even took second deeds, or third deeds, rather, on the first seven allotments that we got with the exception of two that were sold to the Shawnee Townsite Company. There might be one there that they did not take a second deed on, but I do not remember.

The CHAIRMAN. In this list that has been put in the record here, Mr. Embry, by Mr. Goode, there are contained forty-odd pieces—43 or 44, I do not recollect exactly—and there are 34 of them that are shown to be second deeds or double deeds.

Mr. EMBRY. I am not familiar with the list. I got my list from the abstract here.

The CHAIRMAN. This shows, for instance, that Mr. Chapman has a great number of deeds: Mr. Ives, it is assumed, has deeds to all of these in here; and Mr. Chapman has a large number; Mr. Grimes had some, and Mr. Cade and Mr. Johnson, etc. That is what you mean by the obstructions—that they obstructed you by taking deeds?

Mr. IVES. Yes, sir.

The CHAIRMAN. And you could not sell the lands because they were complicated?

Mr. IVES. Yes, sir.

The CHAIRMAN. Since you made this declaration of trust in September, 1906, have you taken other deeds?

Mr. IVES. Yes, sir; a few.

The CHAIRMAN. How many?

Mr. IVES. A few; I do not remember exactly how many.

The CHAIRMAN. Have you executed any declaration of trust for those?

Mr. IVES. I believe they were included in the declaration.

The CHAIRMAN. The declaration says, "Any title you now hold or may acquire," does it not?

Mr. IVES. I think it does.

The CHAIRMAN. You hold these deeds, taken subsequently to that, in trust, do you not? You recognize that?

Mr. IVES. Yes, sir.

The CHAIRMAN. You do not claim any title in them?

Mr. IVES. I do not claim any title in any of it for myself.

The CHAIRMAN. You hold nothing personally?

Mr. IVES. The only titles I claim are for those that I have bought outside of that.

The CHAIRMAN. That, of course, is your own land; I refer to that that was deeded to you by the Indians.

Mr. IVES. I do not claim any of that as my own.

The CHAIRMAN. You have no claim from any Indian that you made title to, as personal to yourself—individual property?

Mr. IVES. No, sir.

The CHAIRMAN. Are you willing to execute an additional article of trust, or declaration of trust, properly speaking, to those pieces that you have subsequently received?

Mr. IVES. Certainly, I am.

The CHAIRMAN. I wish you would do that.

Mr. IVES. Very well.

The CHAIRMAN. I think it ought to be done; I have suggested to Mr. Bentley that he ought to prepare such a paper and have you sign it. You are willing to do that, are you?

Mr. IVES. I am willing to do it.

Mr. EMBRY. With regard to the opposition from Mr. Thackery's office, what was that opposition?

Mr. IVES. It was originally from reports given out by the office that our titles were not perfect and would be contested by the Government, and lately it has been by suits and also by Mr. Ratzliff going around and asking the lessors to pay no more money to us and opposing us in every way possible.

Mr. EMBRY. Who is Mr. Ratzliff?

Mr. IVES. He is a man who has been going around here.

Mr. EMBRY. Do you know whether Mr. Thackery is responsible for those suits being filed or not?

Mr. IVES. I know the Government must be responsible for it.

Mr. EMBRY. Do you know whether Mr. Thackery is responsible or not?

Mr. IVES. I do not know whether it is Mr. Thackery or Mr. Embry or who it is. Mr. Embry's name is signed to them, but I presume Mr. Embry did not prepare the petitions, for most of them were prepared while he was down in Eagle Pass or Douglass.

Mr. EMBRY. Were not motions for interveners in the suits between you and Benson filed in May, 1906?

Mr. IVES. I do not remember the date.

Mr. EMBRY. You are not advised as to that, are you?

Mr. IVES. There was a petition filed, but I do not remember the date.

Mr. EMBRY. How many tracts of this land have you possession of?

Mr. IVES. There are perhaps 21 leases here; some of those cover more than one piece.

Mr. EMBRY. How many tracts have you possession of? Have you possession of all that are called for by these leases?

Mr. IVES. Yes, sir; I believe I have through leases; I believe I have all of those.

Mr. EMBRY. Your tenants are on there, are they?

Mr. IVES. Yes, sir.

Mr. EMBRY. Has the Government tenants on any of those tracts?

Mr. IVES. The Government tenants are not on any of those, I believe. Some of them called for less—one that calls for only a small tract.

Mr. EMBRY. What is the undertaking of these lessees to pay you—approximately how much have they agreed in writing to pay you for this last year?

Mr. IVES. I think between \$2,600 and \$2,700—approximately that. It would run more than that on account of some getting a share of their crops; in some cases that would be more than their usual cash rent. In one case it has been considerably less.

The CHAIRMAN. In this opposition do not the inspectors contend a good deal about them attacking the title?

Mr. IVES. Yes, sir.

The CHAIRMAN. Do you remember an interview that was said to have been had with Mr. Thackery two years ago this summer, in which the title was severely arraigned?



Mr. IVES. Yes, sir; I remember it.

Mr. EMBRY. Mr. Ives, when you had sold this trust land and received more than \$15,000, and had these Indians in Mexico, or had claimed to have bought the tract of land for them in Mexico for less than \$15,000 in gold, and the title to that land was taken and held by Mr. Bentley and not secured to those Indians, have you any reason for blaming Mr. Thackery for doubting the good faith of yourself and Mr. Bentley in that deal?

The CHAIRMAN. I should think that would be a question for argument.

Mr. IVES. I think it would be pretty hard for me to explain so that you would understand it at all. If you knew the conditions better perhaps you would know better my feelings in the matter. I do not think I could explain it so I could make you understand.

The witness was thereupon excused.

A. H. IKENBERRY, having been first duly sworn, testified as follows:

Senator CURTIS. Where do you live?

Mr. IKENBERRY. Well, I have my residence here in Shawnee. I have been knocking around for two years, but I claim this as my home at the present time.

Senator CURTIS. Where were you during the spring and summer of 1906?

Mr. IKENBERRY. I was in old Mexico most of the time.

Senator CURTIS. At what point?

Mr. IKENBERRY. The greater part of the time I had a mine about 150 miles north or northwest of Muzquiz.

Senator CURTIS. Prior to going to Muzquiz, what was your business?

Mr. IKENBERRY. Well, I had not been doing anything for a few months before, but before that I was in the sash and door and interior finish business.

Senator CURTIS. What were you doing in Mexico?

Mr. IKENBERRY. I went down there in the interests of this mine that I spoke of.

Senator CURTIS. About how far was that from Muzquiz?

Mr. IKENBERRY. In the neighborhood of 150 miles.

Senator CURTIS. State to the committee if during the months of April, May, June, July, and August, or any of those months, you were in the city of Muzquiz.

Mr. IKENBERRY. Yes, sir; I arrived in Muzquiz, I think, on or about the 22d or 23d day of June.

Senator CURTIS. I will ask you to state who, if anyone, from Shawnee you met there.

Mr. IKENBERRY. Yes, sir; I met a number of gentlemen from Shawnee.

Senator CURTIS. Give us their names.

Mr. IKENBERRY. There was Mr. Clark—

Senator CURTIS. Joe Clark?

Mr. IKENBERRY. This Mr. Clark here—I think his name is Joe—and Mr. Brown.

Senator CURTIS. Al Brown?

Mr. IKENBERRY. Yes, sir; and a gentleman by the name of Grimes.

Senator CURTIS. L. C. Grimes?

Mr. IKENBERRY. I could not tell you; I did not know any of those gentlemen before I met them down there. There was another gentleman there by the name of Grimes, but I do not think I ever met him.

Senator CURTIS. There was an old man and a young man?

Mr. IKENBERRY. Yes, sir.

Senator CURTIS. Which one did you meet?

Mr. IKENBERRY. The elder gentleman; and there was a gentleman there by the name of Moore—I think they call him Cal; and I met Mr. W. L. Chapman—I think those are his initials—and Mr. Russell Johnson.

Senator CURTIS. What were they doing there, if you know?

Mr. IKENBERRY. Well, as near as I could find out, their intention was to buy land.

Senator CURTIS. Did you talk with them any?

Mr. IKENBERRY. I did at different times.

Senator CURTIS. Who did you talk with?

Mr. IKENBERRY. I think it is possible that I talked with all of them during the time I was there.

Senator CURTIS. Can you remember a conversation with either of them?

Mr. IKENBERRY. Nothing of any particular importance regarding any business affairs. It was in a general way; I just met them and passed them; or stopped and talked.

Senator CURTIS. Did you meet George Outcalt there?

Mr. IKENBERRY. Yes, sir.

Senator CURTIS. Did you have any conversation with him?

Mr. IKENBERRY. Some; yes, sir.

Senator CURTIS. What conversations, if any, did you have with him?

Mr. IKENBERRY. Well, the first day I met him some one introduced me to him—I forgot who—and he made the statement, I think, that he was the assistant United States attorney, and that he was down there for the purpose of carrying on an investigation in regard to some affairs that I think he said Mr. Bentley was mixed up in.

Senator CURTIS. What else did he say?

Mr. IKENBERRY. Well, to prove what he was supposed to be he pulled out a stack of something from his pocket, something like that check, that could have been a list of deeds of a form about that size.

Senator CURTIS. You did not examine those, did you?

Mr. IKENBERRY. No, sir.

Senator CURTIS. You do not know what they were?

Mr. IKENBERRY. No, sir; I do not. I did not examine them to know exactly what they were.

Senator CURTIS. What further conversation did you have with him?

Mr. IKENBERRY. I believe he said that Mr. Bentley had been doing some things, or taking some deeds, and that he had a copy of them; that those articles that he pulled out of his pocket were the copies.

Senator CURTIS. Did he say anything about other people—the Grimes or Clark people?

Mr. IKENBERRY. I do not think so.

Senator CURTIS. Or Chapman?

Mr. IKENBERRY. I do not remember.

Senator CURTIS. Where did you meet him that day?

Mr. IKENBERRY. To the best of my recollection, it was right on the corner—right south of what we call the jail.

Senator CURTIS. Did you go into any place of business with him?

Mr. IKENBERRY. I think I did; yes, sir.

Senator CURTIS. Where?

Mr. IKENBERRY. Into the corner saloon.

Senator CURTIS. What did you do—what did he invite you to do?

Mr. IKENBERRY. Mr. Outcalt asked me if I would take a drink with him and I told him I would, and he called for two bottles of beer, and we drank it while we were sitting there.

Senator CURTIS. What was his condition at that time?

Mr. IKENBERRY. Well, I am not really an expert on conditions in a man.

Senator CURTIS. Did he or not appear to be under the influence of liquor?

Mr. IKENBERRY. To the best of my knowledge, he appeared to be somewhat under the influence of liquor; yes, sir.

Senator CURTIS. Did you meet him after that?

Mr. IKENBERRY. How long do you mean?

Senator CURTIS. At any time during your visit there?

Mr. IKENBERRY. Oh, yes, sir.

Senator CURTIS. How often?

Mr. IKENBERRY. Several times a day, as a usual thing.

Senator CURTIS. What was his usual condition while he was there and during your visit?

Mr. IKENBERRY. There was more or less drinking going on, but as far as the exact condition is concerned, as I say, I am not an expert and I do not know much about conditions.

Senator CURTIS. Did you meet a man there known as Doctor Conine?

Mr. IKENBERRY. Yes, sir.

Senator CURTIS. An American who pretended to be a Mexican interpreter?

Mr. IKENBERRY. He pretended to be an American; he said he was born in San Antonio, and he did interpreting for me in some business I had.

Senator CURTIS. I will ask you to state if he was with these gentlemen that you have named any of the time.

Mr. IKENBERRY. Yes, sir.

Senator CURTIS. State whether or not you saw Mr. Outcalt, Doctor Conine, Mr. Grimes, Mr. Chapman, Mr. Brown, and Mr. Moore together there; and if so, how often.

Mr. IKENBERRY. Do you mean all together at one time?

Senator CURTIS. No; at various times.

Mr. IKENBERRY. They were continuously together it appeared to me.

Senator CURTIS. That is, you mean some one or more of them were together?

Mr. IKENBERRY. Some one or more of them.

Senator CURTIS. Were with this Mr. Outcalt?

Mr. IKENBERRY. Almost any time we would meet on the street or saw each other.

Senator CURTIS. While you would be together would these gentlemen tell their mission there—the Grimes or Chapman crowd?

Mr. IKENBERRY. No, sir; they were very reticent with regard to speaking anything more than they were to buy lands—investments, as I understood it.

Senator CURTIS. I wish you would state to the committee what condition those gentlemen were in, whether they were drinking or whether they were drunk there, to your knowledge.

Mr. IKENBERRY. Yes, sir; I think I saw most of them at different times—that is, at one time or another—during my stay there take drinks; but I will state that the weather being so hot and the water being so poor I do not think there were many there but who did take a drink.

Senator CURTIS. Water is not good for drinking down there, is it?

Mr. IKENBERRY. No, sir.

Senator CURTIS. Did you see any of the Indians around there?

Mr. IKENBERRY. Yes, sir.

Senator CURTIS. Do you know any of the Kicking Kickapoo Indians?

Mr. IKENBERRY. I think I know the name of one just when I meet him.

Senator CURTIS. Do you know of a band of Indians known as the Kicking Kickapoos or Mexican Kickapoos?

Mr. IKENBERRY. I have heard of them.

Senator CURTIS. Who were those Indians that you met down there in Muzquiz? Did they belong to that band?

Mr. IKENBERRY. I think they did; that was my understanding at least.

Senator CURTIS. What was their condition usually when they were in town, both men and women?

Mr. IKENBERRY. I could say that it was not the best.

Senator CURTIS. Were they drinking?

Mr. IKENBERRY. I could not say that I saw many Indians take a drink, but their condition showed to me that they had been drinking.

Senator CURTIS. Who were they with generally uptown?

Mr. IKENBERRY. They were principally, when they were with any of the Americans, with what were usually termed the American outfit.

Senator CURTIS. You mean old man Grimes?

Mr. IKENBERRY. Yes, sir; and Brown and Chapman and Cal Moore, and that bunch of people.

Senator CURTIS. Did you see those men give those Indians anything to drink?

Mr. IKENBERRY. I could not say that I did.

Senator CURTIS. Did you see them up in their room at any time?

Mr. IKENBERRY. I do not know that I can state positively which their rooms were. Mr. Outcalt asked me up in his room one day to examine a gun that he had, or to show it to me. I did not see any in that room.

Senator CURTIS. Were there any in the adjoining room?

Mr. IKENBERRY. I rather think it is an adjoining room. I saw them right upstairs over this saloon in the corner room; I saw Indians there.

Senator CURTIS. Were any white men with them?

Mr. IKENBERRY. I could not say.

Senator CURTIS. Did you at any time see any Indian women up there with these Grimes people?

Mr. IKENBERRY. Not with white men; no, sir.

Senator CURTIS. Did you go up to the Indian camp?

Mr. IKENBERRY. No, sir.

Senator CURTIS. This man Outcult wanted you to know his business, and so he showed you the papers?

Mr. IKENBERRY. Apparently he did; that is the way I took it.

Senator CURTIS. Was he showing them around there to the Americans usually, or did you notice that?

Mr. IKENBERRY. I did not see him show them to any other person.

Senator CURTIS. I wish you would state to the committee about how often during your stay in Muzquiz these Kicking Kickapoo Indians were up in town, and with some one or more of those gentlemen you have mentioned other than Mr. Outcult.

Mr. IKENBERRY. It seems to me that they were there every day.

Senator CURTIS. Do you know the Indian interpreters they had, Mack Johnson or Mr. Murdock?

Mr. IKENBERRY. Not personally, although I knew who they were by sight.

Senator CURTIS. Did you have them pointed out to you?

Mr. IKENBERRY. I think Murdock was.

Senator CURTIS. Did you see him there?

Mr. IKENBERRY. Yes, sir; I think I did.

Senator CURTIS. The day you saw him, what was his condition?

Mr. IKENBERRY. I saw him several times when his condition was not—

Senator CURTIS. He was drunk, was he not?

Mr. IKENBERRY. I would call it so; yes, sir.

Senator CURTIS. Do you know Mack Johnson?

Mr. IKENBERRY. Not personally; no, sir.

Senator CURTIS. Was he pointed out to you?

Mr. IKENBERRY. I had a good many of those Indians pointed out to me.

Senator CURTIS. Did you have a man named Mack Johnson, who was acting as interpreter, pointed out to you?

Mr. IKENBERRY. Yes, sir; I understood he was an interpreter.

Senator CURTIS. Was he drunk or sober?

Mr. IKENBERRY. The greater part of the time I would pronounce him drunk.

Senator CURTIS. Who were those interpreters with most of the time—the Indians or with the Grimes people?

Mr. IKENBERRY. They were back and forth with the Indians, and then they were away.

Senator CURTIS. And then with the Grimes people; you saw them frequently, did you not?

Mr. IKENBERRY. Yes, sir.

Senator CURTIS. Was there anything that occurred down there at any time that you think you should call this committee's attention to with reference to the conduct of these Indians or the other people? If so, state anything that occurred to attract your attention.

Mr. IKENBERRY. Well, the larger part of the actions was such that I would not consider it becoming in an American citizen—that is, what I would call an ideal American citizen's actions.

Senator CURTIS. The action of whom?

Mr. IKENBERRY. The different ones of the people I have mentioned.

Senator CURTIS. Of what you would call the Grimes crowd?

Mr. IKENBERRY. Yes, sir.

Senator CURTIS. What were they doing?

Mr. IKENBERRY. The evening Mr. Bentley was released from jail my wife, Mrs. Bentley, and a gentleman whose name I think is Harris—he represented a Chicago house; he was around fitting spectacles for different people there—had gone to supper, and as we came back from supper, on this corner—the jail was on one corner and a saloon on the other and a saloon right over to the left—standing right on this corner there were, I think, three hacks standing there, and they were practically loaded with Indians, and I do not remember which buggy it was or which hack, but any way there was some one coming out of a saloon with what we would call booze, bottles such as I have drank some out of, which he carried and put under the seat of his hack.

Senator CURTIS. Do you remember who that man was?

Mr. IKENBERRY. No, sir; I do not.

Senator CURTIS. Was he one of the party—either Grimes, Moore, Brown, Chapman, or one of that party?

Mr. IKENBERRY. I am under the impression it was one of the attendants in the saloon, one of the saloon men, who had the booze.

Senator CURTIS. Were any of these white men in the wagons?

Mr. IKENBERRY. Yes, sir.

Senator CURTIS. Which ones?

Mr. IKENBERRY. I think Mr. Moore was in one.

Senator CURTIS. Who else?

Mr. IKENBERRY. I do not remember who was in the rear wagon, but I think Mr. Grimes came out of the building, and there seemed to be a woman there that I would call very much intoxicated.

Senator CURTIS. That was Rachael Kirk, was it?

Mr. IKENBERRY. I could not tell you; I never heard her name mentioned.

Senator CURTIS. What did they do with that woman?

Mr. IKENBERRY. They picked her up and loaded her into the hack, and Mr. Grimes jumped in and they drove off.

Senator CURTIS. How did they pick her up?

Mr. IKENBERRY. Bodily.

Senator CURTIS. And lifted her in the hack?

Mr. IKENBERRY. Yes, sir.

Senator CURTIS. She was so drunk she could not get in the hack, was she?

Mr. IKENBERRY. Yes, sir; that is what I considered it.

Senator CURTIS. You looked at the woman, did you not?

Mr. IKENBERRY. Yes, sir.

Senator CURTIS. She is a very young woman, is she not?

Mr. IKENBERRY. I could not say that I saw her well enough to state about her age.

Mr. CURTIS. She was small sized?

Mr. IKENBERRY. Yes, sir; medium.

Senator CURTIS. Did you hear anybody mention who that woman was?

Mr. IKENBERRY. No, sir; I do not remember her name.

Senator CURTIS. You do not know whether it was Rachael Kirk or not, do you?

Mr. IKENBERRY. I could not say.

Senator CURTIS. What other occurrence did you witness—what remarks were made around there by Mr. Harris or the others?

Mr. IKENBERRY. I made the remark that I was very proud that I was an American citizen, and he put out an oath about a yard long and said he did not think he would be an American citizen unless the Government would demand the righting of this wrong. That is along the line of the remark he made.

Senator CURTIS. The conduct of this Grimes, Chapman, Cal Moore, Johnson, Al. Brown crowd was such as to disgust the American citizens who were in the city of Muzquiz?

Mr. IKENBERRY. As far as I am concerned; yes, sir.

Senator CURTIS. And the gentlemen who were with you?

Mr. IKENBERRY. Yes, sir; the remarks I heard.

Senator CURTIS. What else did you notice on that night?

Mr. IKENBERRY. In regard to what?

Senator CURTIS. Did you pass on or did you see anything more that night of those parties?

Mr. IKENBERRY. Mr. Bentley came along just a few minutes after these people went away. I had some business with Mr. Bentley and we went on up the street.

Senator CURTIS. Did you have any interest directly or indirectly in this land?

Mr. IKENBERRY. No, sir.

Senator CURTIS. Had you any business in connection with Mr. Bentley with respect to these lands?

Mr. IKENBERRY. No, sir.

Senator CURTIS. Have you ever had?

Mr. IKENBERRY. No, sir.

Senator CURTIS. Then your business with Mr. Bentley was not in relation to this land?

Mr. IKENBERRY. No, sir; not at all.

Senator CURTIS. State what else passed between you and Bentley, if anything?

Mr. IKENBERRY. I was waiting there to see Mr. Bentley regarding the disposition of some property that we had there that belonged to the company I was representing.

Senator CURTIS. Did he want to buy it, if you know?

Mr. IKENBERRY. I think he said there were a couple of Indians who were not Kickapoos and who wanted a place to stay, and we had some commissaries out at the mine, and he asked permission to let them stay there and make a home there and watch the property.

Senator CURTIS. Did he tell you why he wanted them to stay there?

Mr. IKENBERRY. No, sir.

Senator CURTIS. State anything else that you noticed.

Mr. IKENBERRY. I noticed the police getting pretty busy around there at that time; they were in consultation with each other and it looked to me——

Senator CURTIS. Did they consult with any American?

Mr. IKENBERRY. I could not say that they consulted, but I saw them mingling together.

Senator CURTIS. Which ones?

Mr. IKENBERRY. I think Al. Brown was the principal one; I could not say as to just which other ones were there at that time, because I walked on up the street and did not pay any attention.

Senator CURTIS. State what else you noticed that night?

Mr. IKENBERRY. I noticed that they had taken all the prisoners out of jail and put them on police duty and tried to catch Mr. Bentley.

Senator CURTIS. That was after Mr. Bentley had been discharged by the court, was it?

Mr. IKENBERRY. Yes, sir.

Senator CURTIS. Were you there at his trial?

Mr. IKENBERRY. I was not at the trial; no, sir.

Senator CURTIS. Were you on the outside?

Mr. IKENBERRY. Yes, sir; I was on the outside.

Senator CURTIS. Whom did you notice of this crowd around on the outside there, and in and out?

Mr. IKENBERRY. There were several who were quite conspicuous there.

Senator CURTIS. Who were they?

Mr. IKENBERRY. Mr. Brown and this man Grimes, Mr. Outcalt, and I think Mr. Moore was around there more or less.

Senator CURTIS. Did you hear them say anything about the trial?

Mr. IKENBERRY. No, sir; I did not.

Senator CURTIS. Did either of them talk with you about Mr. Bentley or the trial?

Mr. IKENBERRY. No, sir; I think very little, if any.

Senator CURTIS. You have forgotten it, have you?

Mr. IKENBERRY. They might have made the remark, and I think they did, that he was down there for the purpose of getting the Indian land and they wanted it; something of that kind.

Senator CURTIS. That is, Grimes and that crowd?

Mr. IKENBERRY. Yes, sir.

Senator CURTIS. Did you hear any of them say why Bentley was arrested?

Mr. IKENBERRY. None of that crowd; no, sir.

Senator CURTIS. Did you hear any Mexicans say why he was arrested?

Mr. IKENBERRY. I do not remember; I did not talk their language, you understand; there were very few Mexicans I could talk to.

Senator CURTIS. After that did you notice these gentlemen doing anything that would attract the attention of an American citizen down there?

Mr. IKENBERRY. Well, it attracted my attention, for the simple reason that I thought the whole proceeding was out of the regular.

Senator CURTIS. After that, and while you were there during the different days that you remained there, while Mr. Grimes, Mr. Brown,



Mr. CURTIS. She was small sized?

Mr. IKENBERRY. Yes, sir; medium.

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Mr. IKENBERRY. Well, it attracted my attention, for the simple reason that I thought the whole proceeding was out of the regular.

Senator CURTIS. After that, and while you were there during the different days that you remained there, while Mr. Grimes, Mr. Brown,

and Mr. Chapman and those people were there, what was their general conduct toward the Indians?

Mr. IKENBERRY. They seemed to be around with them all the time—most of the time at least.

Senator CURTIS. And the Indians most of the time were drunk, were they not, while those white men were with them?

Mr. IKENBERRY. Yes, sir; they seemed to be.

Senator CURTIS. And the white men were not very drunk, were they?

Mr. IKENBERRY. I could not say that they were.

Senator CURTIS. It looked like they were giving the whisky to drink and throwing theirs outside?

Mr. IKENBERRY. It looked as if they had the larger portion. It seemed that they took particular pains to run hacks from the camp to the town; that was the appearance of it to me.

Senator CURTIS. Do you know how far the camp was out from the town?

Mr. IKENBERRY. No, sir.

Senator CURTIS. You were never out there, were you?

Mr. IKENBERRY. No, sir.

Senator CURTIS. Were you there about the 21st of July, 1906?

Mr. IKENBERRY. I think not.

Senator CURTIS. I will ask you if you remember of a number of Indians being taken up to Guajardo's house, the man they call the Jefe Politico.

Mr. IKENBERRY. I had understood that there had been Indians around there, but I was not there at the time there was any particular thing done.

Senator CURTIS. You know nothing about that?

Mr. IKENBERRY. No, sir.

Senator CURTIS. Did you see Mr. Grimes bringing any Indians in or out of Musquiz?

Mr. IKENBERRY. I met Mr. Grimes and several of them down at Esperanzas the night I came out.

Senator CURTIS. Tell us what occurred then, or what you noticed, and how many Indians there were and what kind of Indians.

Mr. IKENBERRY. I think there were 14 or 15 Indians, something like that, in a bunch; I did not count them, but that is my judgment.

Senator CURTIS. Well, we will say from 10 to 16.

Mr. IKENBERRY. Yes, sir.

Senator CURTIS. Do you know where they were going?

Mr. IKENBERRY. They were going to Musquiz.

Senator CURTIS. They were returning from where, if you know?

Mr. IKENBERRY. Mr. Moore told me they were returning from Sabinas, or from Eagle Pass; I would not say which, but coming from there back.

Senator CURTIS. Among that crowd did you notice any old women?

Mr. IKENBERRY. There was an oldish woman in the crowd.

Senator CURTIS. Do you know whether or not she was about blind?

Mr. IKENBERRY. No, sir; I do not.

Senator CURTIS. What was their condition; had they been drinking?

Mr. IKENBERRY. They did not show the evidence of drink then as much as they did a good many other times when I had seen them.

Senator CURTIS. Did these gentlemen say anything to you about having secured deeds from them, Cal. Moore or Grimes or any one of that party?

Mr. IKENBERRY. I think Cal. Moore stated that he had got a deed.

Senator CURTIS. Did he say anything about these other people getting deeds?

Mr. IKENBERRY. He said they were there for the purpose, but he did not tell me how many deeds.

Senator CURTIS. Did you see them at any other time, either on the road between Eagle Pass and Musquiz, or anywhere else?

Mr. IKENBERRY. No, sir; we left Esperanzas that morning, and I did not see them after that. There were a few Indians in Eagle Pass as I came out, but I do not know who they were or where they were going.

Senator CURTIS. When you were in Eagle Pass did you see any of this Grimes-Chapman crowd there?

Mr. IKENBERRY. I do not think so; I do not remember.

The CHAIRMAN. When these coaches were there and these people were there, and in the condition you have mentioned, did you see Mr. Outcalt about there that night?

Mr. IKENBERRY. If I remember aright he was standing on the street on this evening that I speak of when these three particular hack loads went out, but he was not mingling with the crowd when I saw him.

The CHAIRMAN. He was an observer, was he?

Mr. IKENBERRY. To the best of my knowledge he was; yes, sir.

The CHAIRMAN. How often do you think you saw Mr. Outcalt down there while you were there—I do not expect you to be exact about it?

Mr. IKENBERRY. I think I saw him on an average of half a dozen times a day, possibly more.

The CHAIRMAN. Did you see him at any time while you were there under the influence of liquor?

Mr. IKENBERRY. Well, I would pronounce it so, though I say I am no judge.

The CHAIRMAN. You know when a man shows signs of having been drinking, do you not?

Mr. IKENBERRY. His appearance to me was that he had been.

The CHAIRMAN. How often did you see him in that condition?

Mr. IKENBERRY. I would say over a few times, probably a half a dozen times when it was really noticeable.

The CHAIRMAN. Was that the only time that you drank with him, that night?

Mr. IKENBERRY. No, sir; I think he and I had a drink at another time; that is, it came in pint bottles and we ordered up the bottles; we call it a drink; it is a bottle of beer.

Senator CURTIS. I want to ask you if that night of Mr. Bentley's trial and when you saw these Grimes people with the hacks, and you say Mr. Outcalt was standing on the sidewalk, was he talking with any of the Grimes crowd?

Mr. IKENBERRY. I think he was standing alone.

Senator CURTIS. Did you see him at the telegraph office later that night?

Mr. IKENBERRY. Yes, sir.

Senator CURTIS. Did you have any conversation with him?

Mr. IKENBERRY. No, sir.

Senator CURTIS. Do you know what he was doing?

Mr. IKENBERRY. He had the appearance of writing a telegram.

Senator CURTIS. Who was with him?

Mr. IKENBERRY. Mr. Grimes.

Senator CURTIS. Do you know who that telegram was to?

Mr. IKENBERRY. No, sir; I do not know anything about it.

Mr. BENTLEY. I would like to ask you to state the sentiment of the ranchers and the white people who came from the surrounding country and stayed about the plaza and observed the conduct of Mr. Grimes and his party, and Mr. Outcalt generally; what did they call, if anything, this gang of men, and what was their sentiment as you heard it expressed?

Mr. IKENBERRY. The ones that I heard express themselves said it was a damn shame. I think some of them put a little bit more cuss words in than that.

Mr. BENTLEY. Do you recall the incident of Mr. Black making some remark when Mr. Brown tried to sit down beside him in the plaza?

Mr. IKENBERRY. There was something of that kind; yes, sir.

Mr. BENTLEY. Do you think you would be able to repeat in substance to the committee what Mr. Black said to Mr. Brown or Grimes, I have forgotten which one it was?

Mr. IKENBERRY. I do not think I could get it near enough.

Mr. BENTLEY. He did not want him to sit there, did he?

Mr. IKENBERRY. He did not want him to sit there, that was my impression; he wished him to go away, and made some remark that I do not recall.

Mr. BENTLEY. He said something about contempt, did he not?

Mr. IKENBERRY. It was along that line; that was the nature of it.

The CHAIRMAN. Did he ask him to move away?

Mr. IKENBERRY. That was the nature of the request; that he did not want him to sit beside him.

Mr. BENTLEY. As far as you were able to learn what seemed to be the opinion of the people as you heard them express themselves in relation to Mr. Outcalt's investigation?

Mr. IKENBERRY. I think Mr. Black made the remark that he was a hell of a United States attorney; going around and telling everybody his business.

Mr. BENTLEY. Do you remember any expression that would indicate whether or not the people believed there was any sincerity at all in his investigation; what did the people say in relation to it as far as you can recollect?

Mr. IKENBERRY. I could not tell what they thought, but the general impression seemed to be that it was all a farce, but the exact remarks I do not recall.

Mr. BENTLEY. Were you in the vicinity of the jail when my boy was thrown in prison?

Mr. IKENBERRY. I think I was on the plaza at the time.

Mr. BENTLEY. Did you learn for what purpose or for what reason he was put in jail?

Mr. IKENBERRY. No, sir; I did not.

Mr. BENTLEY. Do you remember any remarks being made about it at the time?

Mr. IKENBERRY. Not that I distinctly remember at this time.

Mr. BENTLEY. Were you on the plaza when I came out of the jail?

Mr. IKENBERRY. The evening you were released?

Mr. BENTLEY. Yes.

Mr. IKENBERRY. I could not say that I was; I did not see you come out.

Mr. BENTLEY. You saw me that evening about the plaza; I was free when you saw me, was I not?

Mr. IKENBERRY. I saw you just a few minutes after I got out; you were going north, up toward the telegraph office.

Mr. BENTLEY. State what your impression was from observing the conduct of Grimes and Outcalt and Guajardo's clerk as to whether you inferred that they were going to get another warrant, and if there was not a good deal of confusion among all of them at that time?

Mr. IKENBERRY. There was a good deal of confusion among them, but I did not hear them make any remarks as to what they were trying to do.

Mr. BENTLEY. But you did see Mr. Outcalt and these people consulting around together?

Mr. IKENBERRY. Yes, sir; I saw the bunch.

Mr. BENTLEY. Did they seem excited or disturbed?

Mr. IKENBERRY. They were rather stirred up for some cause or another.

Mr. BENTLEY. I will ask you to state to the committee whether or not had you been in my place under the circumstances you would have remained there or left.

Mr. IKENBERRY. I most certainly would have got out.

Mr. BENTLEY. Have you any personal knowledge as to the efforts that were made on the part of Grimes and Brown to aid the police in trying to capture me after I had been discharged and had peaceably left?

Mr. IKENBERRY. Nothing more than just my observation.

Mr. BENTLEY. What did you observe?

Mr. IKENBERRY. I observed the police and these parties together mingling, and they seemed to be excited and were talking to each other, and of course I drew the conclusion that there was something of that kind going on.

Mr. BENTLEY. Did you see the police returning the next morning in company, on horseback, from these white men?

Mr. IKENBERRY. I saw them ride up to the jail, on horseback.

Mr. BENTLEY. They looked as if they had been out all night somewhere, did they not?

Mr. IKENBERRY. Yes, sir; they had that appearance.

Mr. BENTLEY. Did they seem to be armed?

Mr. IKENBERRY. Yes, sir; that is the policeman did, he always went armed.

Mr. BENTLEY. How about the white men?

Mr. IKENBERRY. I could not say as to that.

Mr. BENTLEY. As a matter of fact, do you not know in a general way, from observation that these white men and the police were all

cooperating together and went in different directions to apprehend me if possible?

Mr. IKENBERRY. That was the impression I got of it.

Mr. BENTLEY. The police watched the hotel where my wife remained, did they not?

Mr. IKENBERRY. I think he called there two or three times during the fore part of the afternoon.

Mr. BENTLEY. Was it your impression that I had committed any crime in Mexico?

Mr. IKENBERRY. I was not aware of your having committed any.

Mr. BENTLEY. You had not heard me charged with any?

Mr. IKENBERRY. No, sir; no more than you were not treating the Indians right.

The CHAIRMAN. Who did you get that from?

Mr. IKENBERRY. I think Cal. Moore was the main man who talked to me in regard to that, and then the next morning Mr. Grimes approached me. This was in Esperanzas on my way home. My wife and I were on the way to the depot and Mr. Grimes approached me and made some remark to vindicate himself at least in the deal, and intimated that Mr. Bentley was not using the Indians right, etc., and I said to him "Well, the proceedings look to me very unbecoming," and he apparently got angry and said I was very unreasonable and he would not talk to me. I told him that was all right. I said the street was just as broad to go as to come, and I passed on.

Mr. BENTLEY. State to the committee if you heard any expression from the old timers whom you met on the plaza and around Muzquiz as to my treatment of the Indians, as to whether I treated them badly or well?

Mr. IKENBERRY. What do you mean by the old timers?

Mr. BENTLEY. I mean the white people who live in Muzquiz, the people who had no interest in this matter, and the people who were not there to buy land—citizens of that country who speak English?

Mr. IKENBERRY. The matter was discussed and the opinion of those people seemed to be that you had treated them fairly; there was nothing said to the contrary that I remember.

Mr. BENTLEY. Did you ever have any conversation with Father Andres, the parish priest, in relation to myself and the Kickapoos?

Mr. EMBRY. Have you not personal knowledge that Father Andres concealed me in his house and aided me in escaping from the police?

Mr. IKENBERRY. Yes, sir; but I did not have any conversation with the gentleman.

Mr. BENTLEY. But you knew that to be a fact, did you not?

Mr. IKENBERRY. Yes, sir.

Mr. BENTLEY. Do you not also know that it was through his influence that I was able to get a hack from some of the churchmen to get away from town?

Mr. IKENBERRY. Yes, sir.

Mr. BENTLEY. Do you recall that Father Andres sent a guard along with me, or a servant of his, to aid me in locating this coach?

Mr. IKENBERRY. Yes, sir.

Mr. BENTLEY. From what you observed of the treatment of Father Andres of me, would you have been led to think that I had his confidence or not?

Mr. IKENBERRY. In what way do you mean, by his confidence?

Mr. BENTLEY. You inferred, did you not, that he was doing all he could to help me get away?

Mr. IKENBERRY. Yes, sir; he treated you very kindly and treated you as a gentleman and wanted to do all he could to aid and assist you; that was the general appearance of the matter.

Mr. EMBRY. How long were you at Muzquiz?

Mr. IKENBERRY. If I remember aright, we got there on the 21st or 22d day of June, and we left there about the 11th or 12th of July.

Mr. EMBRY. To whom do you refer when you say "we"?

Mr. IKENBERRY. My wife and I.

Mr. EMBRY. Where was your home?

Mr. IKENBERRY. My home was in Iowa, my original home.

Mr. EMBRY. You went from what place to Muzquiz?

Mr. IKENBERRY. I came from Iowa to Shawnee in November, 1905, and remained here until January 26, I think it was, and I started to old Mexico from here.

Mr. EMBRY. On January 26 you started to old Mexico?

Mr. IKENBERRY. Yes, sir.

Mr. EMBRY. Then, I believe, you were interested in some mines, or were working at some mines?

Mr. IKENBERRY. I went to a mine that I was interested in.

Mr. EMBRY. How far from Muzquiz?

Mr. IKENBERRY. In the neighborhood of 150 miles.

Mr. EMBRY. You were acquainted with Mr. Bentley at Shawnee, were you not?

Mr. IKENBERRY. No, sir.

Mr. EMBRY. Where did you first meet him?

Mr. IKENBERRY. In Muzquiz, on my first trip down there. It was the latter days of January, 1906.

Mr. EMBRY. Were you then interested in your mining property?

Mr. IKENBERRY. No, sir.

Mr. EMBRY. You came back to Muzquiz on the occasion you refer to in your testimony to see Mr. Bentley about some business, did you?

Mr. IKENBERRY. I came back on my way out to stay and met Mr. Bentley and a gentleman by the name of Galan. Mr. Galan had been working with us and assisting us to get along at the mine, to get help and supplies, and through Mr. Galan Mr. Bentley found out that we had some commissary stores there, and suggested that if we were to allow those Indians to stay in those buildings that they would buy their commissaries from us, and we wanted to sell the commissaries.

Mr. EMBRY. Those buildings were how far out?

Mr. IKENBERRY. They were at the mine.

Mr. EMBRY. About 150 miles, were they not?

Mr. IKENBERRY. As near as I can get at it.

Mr. EMBRY. One hundred and fifty miles from Muzquiz to the Indian village?

Mr. IKENBERRY. Yes, sir.

Mr. EMBRY. They wanted to take some Indians out there, did they?

Mr. IKENBERRY. One or two, or such a matter as that. They wanted to stay there; they wanted to hunt in the mountains, and wanted to use those buildings.



Mr. EMBRY. You had been buying your supplies and things from Galan, had you?

Mr. IKENBERRY. No, sir; Mr. Galan had acted as our agent in town to receive supplies and forward them into town because we were so far out; that is to a certain extent, not fully.

Mr. EMBRY. You were quite well acquainted with Mr. Galan were you?

Mr. IKENBERRY. Yes, sir; quite well.

Mr. EMBRY. And through him you got acquainted with Mr. Bentley?

Mr. IKENBERRY. No, sir; it was not through him at all. Charlie Palmer, our superintendent, gave me an introduction one morning at the breakfast table.

Mr. EMBRY. You say Father Andres sent a servant along to help Mr. Bentley find a coach?

Mr. IKENBERRY. Yes, sir.

Mr. EMBRY. How do you know that?

Mr. IKENBERRY. There was an old gentleman around there.

Mr. EMBRY. Did you see him?

Mr. IKENBERRY. Yes, sir.

Mr. EMBRY. Did you see him going after the coach?

Mr. IKENBERRY. Yes, sir.

Mr. EMBRY. Did you see him find the coach?

Mr. IKENBERRY. Yes, sir.

Mr. EMBRY. What time of the night or day was it?

Mr. IKENBERRY. It was along about 11 o'clock at night.

Mr. EMBRY. You were with him?

Mr. IKENBERRY. Yes, sir.

Mr. EMBRY. You were helping Mr. Bentley to get away?

Mr. IKENBERRY. Yes, sir; I was assisting him to find a coach.

Mr. EMBRY. What other assistance did you render Mr. Bentley to escape from Mexico?

Mr. IKENBERRY. That was the only thing that I helped him in. After he got the coach I went back to town; I did not see him after that until I saw him at Eagle Pass on my way out.

Mr. EMBRY. You say you heard expression there from old-timers that Mr. Bentley had treated the Indians fairly? Were you at that Indian camp?

Mr. IKENBERRY. No, sir.

Mr. EMBRY. What expression did you hear from them?

Mr. IKENBERRY. In a general discussion of it once, some of them came in—the ranchers—there was just a general conversation.

Mr. EMBRY. Name some of them.

Mr. IKENBERRY. Mr. Black and a ranchman who lives right across the river—I can not remember his name.

Senator CURTIS. Weller?

Mr. IKENBERRY. Weller; that was the man, and there was a German there; I do not remember his name. He was a ranchman.

Mr. EMBRY. Did they pretend to know how Mr. Bentley had treated the Indians?

Mr. IKENBERRY. They seemed to be posted in such a way that they considered the Indians had been treated fairly. I inferred that from the conversation we had.

Mr. EMBRY. How many times did you see Mr. Black at Muzquiz during those times?

Mr. IKENBERRY. Possibly a dozen times during the time I was there.

Mr. EMBRY. Did you have any conversation with him about this matter each time he was there?

Mr. IKENBERRY. No, sir; not each time.

Mr. EMBRY. About how many times did you converse with him about it?

Mr. IKENBERRY. Possibly two or three times.

Mr. EMBRY. Was Mr. Bentley present at any of the times?

Mr. IKENBERRY. No, sir.

Mr. EMBRY. What did Mr. Black say in those conversations?

Mr. IKENBERRY. I do not think it was that conversation, but the inference that I had was what I have told you.

Mr. EMBRY. Give us the conversation?

Mr. IKENBERRY. I do not remember the exact conversation. It was while we were talking about ranch matters and other things. It was just to pass away the time.

Mr. EMBRY. Mr. Bentley was holding out to these ranchmen the thought that as soon as he could get this money out of the Oklahoma land he would buy land from those ranchmen, was he not?

Mr. IKENBERRY. They did not express themselves to me, though I did understand there was one ranch to be bought, provided the Indians funds would reach it.

Mr. EMBRY. Were you at Father Andres' house when Bentley was there that night?

Mr. IKENBERRY. I went there with Mr. Bentley.

Mr. EMBRY. What did Father Andres say?

Mr. IKENBERRY. I was not present.

Mr. EMBRY. And you did not hear any of the conversation?

Mr. IKENBERRY. I remained outside the door.

Mr. EMBRY. The kindness to which you refer consisted of what?

Mr. IKENBERRY. He seemed to allow him to stay there until he could get a coach for him to go out; he told him to stay there a certain length of time; he gave us ample time to get the coach and make arrangements.

Mr. EMBRY. Do you know Francisco De P. Andres?

Mr. IKENBERRY. I do not recall his name now. Does it give his capacity or official business? What is he there?

Mr. EMBRY. He has signed this here; I do not know what it is; maybe you can tell [handing paper to witness]?

Mr. IKENBERRY. I do not recall him now.

Mr. EMBRY. Did Father Andres have an attendant or secretary or some colaborer there?

Mr. IKENBERRY. Not that I saw.

Mr. EMBRY. Were you acquainted with his establishment?

Mr. IKENBERRY. No, sir.

Mr. EMBRY. He might have had one there as far as you know?

Mr. IKENBERRY. He might have had; I could not say.

Mr. EMBRY. I may not have understood you correctly, but I thought you made some reference to a cell where somebody was con-

fined. Was Mrs. Bentley under arrest at any time there, or was it Mr. Bentley that you refer to?

Mr. IKENBERRY. I do not remember making any remark of that kind. I went there one morning to pay the fine of some Indian who was in there. He had already secured the money and bailed himself out.

Mr. EMBRY. For what reason did you go to pay his fine?

Mr. IKENBERRY. Mr. Bentley told me to go and pay his fine and keep track of the amount.

Mr. EMBRY. Did he suggest what you should do with the Indian?

Mr. IKENBERRY. To turn him loose—just pay his fine and let him out. But when I got there he had already raised the money himself.

Mr. EMBRY. At the time Mr. Bentley was acquitted, or got away, you were in Muzquiz, were you?

Mr. IKENBERRY. Yes, sir.

Mr. EMBRY. Were you at the trial?

Mr. IKENBERRY. No, sir.

Mr. EMBRY. You do not know who was at the trial, do you?

Mr. IKENBERRY. I do not.

Mr. EMBRY. Nor what occurred there?

Mr. IKENBERRY. The only thing I could see was the people coming in and out, of course, around there; sitting in the plaza, more or less.

Mr. EMBRY. What places are there down there for a man to loaf or spend time when he is not engaged in business?

Mr. IKENBERRY. The only places are the saloons, that I know of.

Mr. EMBRY. The plaza and the saloons?

Mr. IKENBERRY. Yes, sir.

Mr. EMBRY. If the most decent American was down there and also a gang of outlaws, he could hardly avoid them, could he?

Mr. IKENBERRY. They would mix up more or less; they are bound to meet each other because it is a small plaza, about the size of one of our blocks.

Mr. EMBRY. Did you hear Outcalt talking to Grimes or any of those people about this trial of Bentley's?

Mr. IKENBERRY. No, sir; nothing in particular.

Mr. EMBRY. Well, that which is not in particular, if anything; what was it?

Mr. IKENBERRY. We would meet and hold conversations and pass the time of day, and there may have been some remarks made, and we would go on.

Mr. EMBRY. Just as men would who happen to meet at a hotel?

Mr. IKENBERRY. I did not hold any private conversations with any of them.

Mr. EMBRY. When these police returned that morning, apparently from a search for Mr. Bentley after he got away, where were you at the time they returned?

Mr. IKENBERRY. I was standing on the plaza.

Mr. EMBRY. You saw them return?

Mr. IKENBERRY. I saw them sitting on their horses; I can not say that I saw them return because they were standing still when I first saw them.

Mr. EMBRY. Do you know where they had been?

Mr. IKENBERRY. Not of my personal knowledge. I understood the impression was around there that they had been to the Indian camp.

Mr. EMBRY. From whom did you understand that?

Mr. IKENBERRY. From different ones that I happened to hear make remarks.

Mr. EMBRY. What white men were with the police or marshals?

Mr. IKENBERRY. Al. Brown; there was just one policeman and Al. Brown together that I saw; what I call the chief of police.

Mr. EMBRY. And you concluded that they had been out trying to catch Bentley?

Mr. IKENBERRY. That was the general impression among the people.

Mr. EMBRY. How many did you hear give an expression of that kind?

Mr. IKENBERRY. I did not keep track of them.

Mr. EMBRY. It was a matter that you gave no particular thought to at the time?

Mr. IKENBERRY. No more than in passing, the same as any other subject that would naturally come up and not be of interest to a man.

Mr. EMBRY. Or just a careless expression that might be made that was of no value?

Mr. IKENBERRY. A man forms a general impression that is usually correct about such matters.

Mr. EMBRY. Do you know anything about Mr. Bentley's boy being thrown in prison?

Mr. IKENBERRY. I understood he was.

Mr. EMBRY. From whom did you understand it?

Mr. IKENBERRY. I think his mother told me.

Mr. EMBRY. You know nothing about it yourself?

Mr. IKENBERRY. I was not there when he was thrown in; I did not see him thrown in.

Mr. EMBRY. Do you know whether it happened while you were in town or not?

Mr. IKENBERRY. I understood that it had.

Mr. EMBRY. It was Mr. Black who said that Outcalt was a hell of a United States attorney; going around and telling his business to everybody?

Mr. IKENBERRY. Yes, sir.

Mr. EMBRY. And you had told Outcalt what he said?

Mr. IKENBERRY. No, sir, I do not think I had said, but he had an impression of his own, somehow.

Mr. EMBRY. Was not Outcalt making his investigation with respect to Bentley's treatment of the Indians?

Mr. IKENBERRY. I could not say that.

Mr. EMBRY. That was the subject of considerable conversation around there, Mr. Bentley's treatment of the Indians, was it not?

Mr. IKENBERRY. Yes, sir; the principal part of it was his being thrown in jail because it all happened at just about the time we got there.

Mr. EMBRY. That was their talk there?

Mr. IKENBERRY. It all came up in the course of conversation.

Mr. EMBRY. Outcalt was down there for that purpose?

Mr. IKENBERRY. Yes, sir; that is what he told me.

Mr. EMBRY. That would be the way to find out anything of course?

Mr. IKENBERRY. Yes, sir; certainly.

Mr. EMBRY. Who was it that you say Mr. Black or some other person would not let sit down by him, or suggested that he move from the place on the plaza?

Mr. IKENBERRY. It was Al. Brown; that was my understanding. I did not see the incident; I heard of it.

Mr. EMBRY. You do not know anything about that, do you?

Mr. IKENBERRY. I was not personally present.

Mr. EMBRY. Is it not a fact that all of those Americans there, where they take their meals, that they would come out and eat on the plaza or in their rooms, or where?

Mr. IKENBERRY. I think most of that crowd boarded right back of the saloon, right back in the same building.

Mr. EMBRY. Was it a hotel?

Mr. IKENBERRY. I guess you would call it a hotel.

Mr. EMBRY. Where did you board?

Mr. IKENBERRY. I boarded at a Mexican's down the street, just west of the Juscada.

Mr. EMBRY. How far was this plaza from where those people boarded?

Mr. IKENBERRY. It came right up to the corner, and the eating house was right back of it in the same building.

Mr. EMBRY. Americans would gather on that plaza there frequently, all those who were in the town, would they not?

Mr. IKENBERRY. Most of them were there during the day.

Mr. EMBRY. And it was on that occasion when you saw Outcalt there?

Mr. IKENBERRY. Not the one I spoke of.

Mr. EMBRY. You were at his room one time, were you?

Mr. IKENBERRY. Yes, sir.

Mr. EMBRY. On the other occasions where did you see him, other than in the plaza?

Mr. IKENBERRY. As I told you before I met him in front of the saloon and he asked me to take a glass of beer with him and we went in and sat down at a little table.

Mr. EMBRY. How long did you stay there?

Mr. IKENBERRY. Possibly fifteen or twenty minutes.

Mr. EMBRY. Did he come out with you?

Mr. IKENBERRY. Yes, sir.

Mr. EMBRY. What made you think he had been drinking?

Mr. IKENBERRY. Well, the fact was I had seen him drink, and he had the appearance of having a little bit more than he got while I was sitting with him.

Mr. EMBRY. How many times did you drink that day?

Mr. IKENBERRY. I drank one pint bottle of beer.

Mr. EMBRY. Was that sufficient to make it appear that you had been drinking?

Mr. IKENBERRY. I do not think so; it is something that I do not take to make it appear that I have been drinking. I very seldom take it at all.

Mr. EMBRY. At the time you saw these hacks come up there and they put this Indian girl in the buggy, were those extra hacks or the usual hacks running from Muzquiz to the Indian village?

Mr. IKENBERRY. They were the hacks that had been used there, and that I had seen at different times used for the purpose, but where they got them I can not tell you.

Mr. EMBRY. Is it not a fact that when those Americans were down there to buy land from the Mexicans that a number of thrifty Americans used to run the hacks there?

Mr. IKENBERRY. Not to my knowledge, because the different ones I spoke of were driving.

Mr. EMBRY. Which ones?

Mr. IKENBERRY. Cal. Moore and a fellow named Grimes, young Grimes and Mr. Grimes; the old gentleman got in this one hack at this particular time.

Mr. EMBRY. Who was driving the old gentleman's hack?

Mr. IKENBERRY. I could not tell you; I was looking more to the one that loaded the party in. He was there and got right in and drove off.

Mr. EMBRY. Did you observe that those were buggies or rigs that had been gotten at a regular livery stable?

Mr. IKENBERRY. I do not know where they got them; they were light wagons.

Mr. EMBRY. How far was Outcalt standing from them when they started away?

Mr. IKENBERRY. I could not say.

Mr. EMBRY. Well, approximately?

Mr. IKENBERRY. About 30 or 40 feet.

Mr. EMBRY. How far were you from them?

Mr. IKENBERRY. Just across the street, about 30 or 40 feet, hardly that as they came out; they came practically toward us. The hack stood in the street and they came toward us. The streets are narrow.

Mr. EMBRY. You say they brought this intoxicant out and put her into the buggy?

Mr. IKENBERRY. I say they put her in; I did not see them bring her out of that place.

Mr. EMBRY. Were there any Mexican police around there?

Mr. IKENBERRY. I did not see any.

Mr. EMBRY. You say they picked this girl up bodily and put her in. Describe more particularly how they handled her; did they take her by the arms or drag her.

Mr. IKENBERRY. They took her by one arm around the shoulders, and the other around her feet, and then lifted her up.

Senator CURTIS. Who did they sit her on?

Mr. IKENBERRY. I do not know; they sat her on somebody who was sitting in there. They just laid her in there.

Senator CURTIS. It was Chapman, was it not?

Mr. IKENBERRY. It may have been.

Mr. EMBRY. What two persons did the lifting, who were the people who lifted her up?

Mr. IKENBERRY. Mr. Grimes was the gentleman who put her in the buggy.

Mr. EMBRY. As a matter of fact, there was some kind of division there among the Americans, was there not?

Mr. IKENBERRY. I do not know that there was any division.

Mr. EMBRY. It was a kind of Grimes crowd and Bentley crowd, was it not?

Mr. IKENBERRY. They kept to themselves.

Mr. EMBRY. They did not associate together much?

Mr. IKENBERRY. Not particularly.

Mr. EMBRY. How many were in the Bentley bunch?

Mr. IKENBERRY. I do not know particularly who was in the Bentley bunch; I saw Mr. Field there, and I think a gentleman by the name of Sweeney.

Mr. EMBRY. Mr. Sweeney was shoving Indians around there as much as he could, was he not?

Mr. IKENBERRY. No, sir; he was not. He was prohibited by the police from speaking to any Indian.

Mr. EMBRY. You know that he succeeded in getting a farm down there?

Mr. IKENBERRY. I understood that he had.

Mr. EMBRY. Who else were with the Bentley crowd?

Mr. IKENBERRY. I do not know, when it comes to defining crowds whether I can do it. I had no interest in the matter.

Mr. EMBRY. You were naturally inclined to the Bentley crowd because you had some business with him and had known Mr. Galan; Mr. Galan had been a correspondent or agent there for you in assisting in the commissaries, and that brought you in touch with the Bentley crowd?

Mr. IKENBERRY. No, sir; I do not think Mr. Galan had anything to do with it during the time.

Mr. EMBRY. Mr. Galan is a trader there, is he not?

Mr. IKENBERRY. That is he brought me in connection with Mr. Bentley.

Mr. EMBRY. He is a trader there, is he not? Did he not have a store?

Mr. IKENBERRY. He used to have a store, but he did not have any goods in it; not enough to amount to anything.

Mr. EMBRY. You know enough about Indians to know that you do not have to have very much goods to run an Indian store?

Mr. IKENBERRY. I am not very much versed in Indian affairs.

Mr. EMBRY. He had the Indian trade at the agency there during Mr. Bentley's supremacy, did he not?

Mr. IKENBERRY. I do not know how he could have had; that is, during the time I was there, because he did not have enough in his store to stock a hand car. The only thing I saw in his store that would make you call it a store was some Mexican drawn work.

Mr. EMBRY. Do you know some Mexicans there known as Guerra & Son?

Mr. IKENBERRY. It is Guerra & Brother; yes, sir.

Mr. EMBRY. They had a store, did they not?

Mr. IKENBERRY. Yes, sir.

Mr. EMBRY. And the Indians traded with them, did they not?

Mr. IKENBERRY. I saw Indians at almost every store in town. I suppose they did some trading there.

Mr. EMBRY. As a matter of fact, the conduct of neither one of those crowds came up to what you would deem ideal, did it?

Mr. IKENBERRY. I do not know anything out of the way with those other parties, whichever crowd you might class them with.

Senator CURTIS. What do you mean by the other parties?

Mr. IKENBERRY. I mean Mr. Field and Mr. Clark and Mr. Sweeney.

Mr. EMBRY. Mr. Clark's deportment was good, was it not?

Mr. IKENBERRY. Yes, sir.

Mr. EMBRY. Was he with the Bentley crowd?

Mr. IKENBERRY. I do not know whether he was mixed up with them or not; he was around there.

Mr. EMBRY. How frequently did you see Joe Clark?

Mr. IKENBERRY. Possibly three or four times a day, and maybe more.

Mr. EMBRY. For how many days?

Mr. IKENBERRY. During my stay there; that is, part of the time. I do not think he was in town all the time.

Mr. EMBRY. What can you say as to Mr. Clark's conduct and deportment while you saw him there?

Mr. IKENBERRY. It was first class.

Mr. EMBRY. Did you see him mix up in any of those matters which you say were objectionable?

Mr. IKENBERRY. No, sir.

Mr. EMBRY. Do you believe he had any connection with them?

Mr. IKENBERRY. I did not see anything to lead me to believe that he had.

Mr. EMBRY. You say you had Conine for interpreter. Why did you get him?

Mr. IKENBERRY. For the simple reason that when we would go there and hire help and buy goods and anything along the line of the matter of business, paying our timbry taxes, etc.—it is called timbry tax there—and such things as that, they were all Mexicans and we had to have somebody to talk to them through.

Mr. EMBRY. Was there no other Mexican interpreter that you could get?

Mr. IKENBERRY. After a few days we found another one.

Mr. EMBRY. At Muzquiz?

Mr. IKENBERRY. Yes, sir.

Mr. EMBRY. Who did you find?

Mr. IKENBERRY. I found Mr. Gonzalez, the man who runs the timbry office—his father or brother runs the timbry office.

Mr. EMBRY. What is the timbry office?

Mr. IKENBERRY. That is where they receive the taxes. They call it the timbry office. It is the tax office.

Mr. EMBRY. He was the deputy of this tax office?

Mr. IKENBERRY. No, sir; he simply could talk English.

Mr. EMBRY. And you were enabled to secure him?

Mr. IKENBERRY. Part of the time when we wanted to talk to those people, if he happened to be in there.

Mr. EMBRY. When you wanted to talk to what people?

Mr. IKENBERRY. The timbry people—Mr. Gonzalez and his son—with regard to our affairs.

Mr. EMBRY. And your conversations and negotiations occurred around his place of business?



Mr. IKENBERRY. Yes, sir.

Mr. EMBRY. And it was convenient to use him as interpreter?

Mr. IKENBERRY. Yes, sir.

Mr. EMBRY. He was engaged in other business there, was he not?

Mr. IKENBERRY. Yes, sir; he had a store down on the corner of the block.

Mr. EMBRY. And was a busy man?

Mr. IKENBERRY. He was not extra busy; he seemed to be around loafing most of the time.

Mr. EMBRY. As a matter of fact, the interpreters who can talk English and Spanish are scarce down there, are they not?

Mr. IKENBERRY. No, sir.

Mr. EMBRY. Were they not at that time?

Mr. IKENBERRY. No, sir.

Mr. EMBRY. What others did you find?

Mr. IKENBERRY. Well, there was this Mr. Black and Rodrigues.

Mr. EMBRY. I thought Mr. Black was a ranchman.

Mr. IKENBERRY. Well, he can talk Spanish. You may meet them in town and ask them to interpret for you. There are two gentlemen by the name of Murphy who did a whole lot of interpreting for me, and they are miners.

Mr. EMBRY. You mean that you could pick them up at any time?

Mr. IKENBERRY. Yes, sir.

Mr. EMBRY. Suppose you would go off for a number of days and would require a constant interpreter, you could get a man like Mr. Black?

Mr. IKENBERRY. No, sir; I did not have occasion for him.

Mr. EMBRY. You aim to pick up an interpreter anywhere you go?

Mr. IKENBERRY. Yes, sir; wherever we happen to be we generally pick up a man.

Senator CURTIS. This man Conine pretended to be an interpreter?

Mr. IKENBERRY. Yes, sir.

Senator CURTIS. And had an establishment there, did he not?

Mr. IKENBERRY. Yes, sir.

Mr. EMBRY. There was a preacher there who was a good interpreter, was there not?

Mr. IKENBERRY. There was a priest who could talk good English, but I could not say that he acted in that capacity.

Mr. EMBRY. Rodriguez, a Baptist preacher?

Mr. IKENBERRY. I did talk to a gentleman there one day who acted in that capacity. There was a claim filed for overcharge on some tax business and they assessed a fine on us. That was the only time I employed him.

Mr. EMBRY. You did not have any conversation with Mr. Outcalt, and never heard Outcalt say anything except about the matters he was down there to investigate?

Mr. IKENBERRY. That was the only matter of business.

Mr. EMBRY. Where do you live now?

Mr. IKENBERRY. I made my headquarters at Oklahoma City.

Mr. EMBRY. What is your business?

Mr. IKENBERRY. I am special agent for a fire insurance company.

The witness was thereupon excused and the subcommittee at 12.30 o'clock took a recess until 1.30 p. m.

AFTER RECESS.

The subcommittee reassembled at 1.30 o'clock p. m.

Mrs. IDA B. BENTLEY, having been first duly sworn, testified as follows:

Senator CURTIS. State your name to the committee.

Mrs. BENTLEY. Ida Bell Bentley.

Senator CURTIS. Are you the wife of Martin J. Bentley?

Mrs. BENTLEY. Yes, sir.

Senator CURTIS. Where do you live?

Mrs. BENTLEY. My home is three miles and a half in the country—my present home you mean?

Senator CURTIS. Yes.

Mrs. BENTLEY. I am living in Shawnee at the present time.

Senator CURTIS. But your home place is in the country, about 3 miles out?

Mrs. BENTLEY. Yes, sir.

Senator CURTIS. How long have you lived in this county?

Mrs. BENTLEY. I think since 1891.

Senator CURTIS. Your husband was agent for the Kickapoo Indians for a time, was he not?

Mrs. BENTLEY. Yes, sir.

Senator CURTIS. For how many years?

Mrs. BENTLEY. Probably six or seven.

Senator CURTIS. Do you know anything about the band of Kickapoo Indians known as the Kicking Kickapoo Indians or Mexican Kickapoos?

Mrs. BENTLEY. Those were the Indians that my husband was agent for.

Senator CURTIS. I will ask you to state if you know anything about any of those Indians having gone to Mexico.

Mrs. BENTLEY. Yes, sir; the first Indian that I know of going to Mexico was Okemah.

Senator CURTIS. When did he go, if you know?

Mrs. BENTLEY. I could not tell you the number of years, but it was while Mr. Bentley was agent.

Senator CURTIS. When was the first time you heard about the Indians wanting to go to Mexico?

Mrs. BENTLEY. They always wanted to go, since I have known anything of them.

Senator CURTIS. When did you first hear your husband say anything about going with them or acting for them?

Mrs. BENTLEY. He did not tell them he would go with them; he always told them they would have to farm and be able to make their own living before they could leave this country; that they would have to be self-supporting; that they could not go and live anywhere until they did that.

Senator CURTIS. When was the first time you heard him say anything about going down there and representing them?

Mrs. BENTLEY. I could not tell you the year, but I think the first time he went with an old Indian who is now dead, Pa-no-wa.

Senator CURTIS. Was that after he was out of office as Indian agent?

Mrs. BENTLEY. I do not know.

Senator CURTIS. When was the first time you went to Mexico?

Mrs. BENTLEY. Last summer.

Senator CURTIS. What time did you arrive there?

Mrs. BENTLEY. In the latter part of June.

Senator CURTIS. When you arrived what Americans did you find down at Musquiz, or about the Indian camp

Mrs. BENTLEY. The first Americans I met at Musquiz were Mr. Field, I believe, and Mr. and Mrs. Ikenberry.

Senator CURTIS. Did you see any other Americans there—did you see Mr. Grimes?

Mrs. BENTLEY. I saw a man there named Mr. Grimes. I had known him since Mr. Bentley was Indian agent, and I saw a man there that they called Mr. Outcult. I had never met the man and did not know him and was only told that his name was Outcult.

Senator CURTIS. Where did you see him or meet him?

Mrs. BENTLEY. The first time I saw him he was standing against the court-house, where they had my husband detained; he was leaning against the door of the court-house.

Senator CURTIS. That was while your husband was under arrest there?

Mrs. BENTLEY. Yes, sir.

Senator CURTIS. Did you talk to Mr. Outcult at all?

Mrs. BENTLEY. I did. I told him not to speak to me. That was all the conversation I ever had with him.

Senator CURTIS. Did you have any conversation with Mr. Grimes down there?

Mrs. BENTLEY. Not in Muzquiz; not in Mexico.

Senator CURTIS. Did you meet Al Brown or Cal Moore or Mr. Chapman or Mr. Russell Johnson there, or see them?

Mrs. BENTLEY. I never met any of them. I saw them all in Mexico.

Senator CURTIS. After you went down there, did you go out to the Indian camp?

Mrs. BENTLEY. Yes, sir; I went to the Indian camp the first day; I arrived there one day and went to the Indian camp the next morning.

Senator CURTIS. While you were at the camp, state if any of those gentlemen came out; and, if so, which ones, and what occurred the first time, if you remember.

Mrs. BENTLEY. The first time there was several of them at the camp—Mack Johnson's camp—but I was not near enough to see. I could see that they were white men, but could not tell which ones they were.

Senator CURTIS. You could not tell who they were?

Mrs. BENTLEY. No, sir.

Senator CURTIS. What were the Indians doing there?

Mrs. BENTLEY. They had a dance.

Senator CURTIS. Were they drinking or doing anything of that kind?

Mrs. BENTLEY. I saw no sign of intoxication that day as to any of the Indians I was near.

Senator CURTIS. Was this the daytime or the evening?

Mrs. BENTLEY. It was daytime.

Senator CURTIS. When did you next see them, or any of those which we will call the Grimes-Chapman crowd?

Mrs. BENTLEY. The next time I saw Mr. Graham on the street; I could not tell just when.

Senator CURTIS. When did you next meet any of them at the camp?

Mrs. BENTLEY. I returned to the camp after Mr. Bentley was released from prison; I came back I think it was about the 20th of July; I could not tell the exact time.

Senator CURTIS. Did you meet either of those men at the camp at that time?

Mrs. BENTLEY. Mr. Grimes and Mr. Chapman were there; I saw them, but I did not speak to them.

Senator CURTIS. Did anything occur with the Indians while you were there to attract your attention?

Mrs. BENTLEY. I drove out there; I arrived in Muzquiz at about noon and took a hack and drove out there with Johnny Mine. I intended to stay all night and return in the morning, but about dusk a terrible storm came up, and just about dusk all the Indians came. I told Johnny Mine to tell them I wanted to talk with them; they had reported to the Indians that my husband was dead and he could not help them any more and they must receive help from other parties; that they must look to a man named Dr. Conine as their adviser in the future. I told them my husband was not dead, but was in Eagle Pass, and any of them that wanted to go I would try to take them in the morning, and while we were talking we heard sounds of a hack or conveyance driving up, and it stopped and the Indians all disappeared in the darkness except John; he stayed with me and a marshal came in and told me I was arrested; that I should return to Muzquiz, and that John Mine should return; we were both arrested, and that I should return immediately to Muzquiz. I told him it was storming and dark and that I would not go. He insisted that the presidente had sent for me and I should go. I could not talk the Spanish language, but a man who accompanied me—whom I had forgotten to tell about—from Ciudad Porfirio Diaz—was there; he was what they call a rurala, or the presidente of the next county; I do not know what it was. I asked this man if he thought I should return to Musquiz, and he said he thought it would be best; he interpreted.

I walked out and saw what a terrible storm it was and how dark it was. When I stepped out of the tent I almost ran into a man standing there—I do not know whether it was a flash of lightning or just a momentary streak of light that revealed a man who had been pointed out as Doctor Conine. He had been standing there listening there, I suppose, to what we had been talking about, and I said, "Canine, dog, wolf, cur! What do you mean by following me out to this country and trying to force me to return to Muzquiz?" I said, "You are not a man; you are a coward." He said, "You are not a lady, or you would not be here." I said, "If you would return across the line and say that I would shoot you." I do not know what else he said, but finally he said, "I hope you will enjoy your ride back to Muzquiz." I said, "I shall not go." He said, "You will have to go." I said, "I will not go;" so I went inside the Indian camp and told the marshal I would not go, and they drove the team up by the side of the tent, and it stood there all

night; I do not know whether they unhitched it or not, but I heard the horses stamping and rattling the harness all night. In the morning I went to each Indian camp and told every man that wanted to go to Mr. Bentley to come with me. That was in the morning. All the time the marshal was urging me to return to Muzquiz. I told him I would not go, but got in the wagon with the Indians and went with them. When we returned to Muzquiz he did not take me to the presidente at all; he took me to the family of Mr. Galan, the only family I knew in Muzquiz. He did not make any explanation of why he took me there.

Senator CURTIS. He never took you to the presidente's at all?

Mrs. BENTLEY. No, sir.

Senator CURTIS. What did you do then?

Mrs. BENTLEY. I had the Indians; they all followed me—I suppose twenty or maybe twenty-five came into Muzquiz with the wagons—and I took them to the train and tried to take the train, when a marshal stepped up and said we could not go; that we were arrested. I said, "Where are your papers?" He said he did not have to have any papers; he said that was his papers, and he patted a great big gun.

Senator CURTIS. Were there any white men there at the time?

Mrs. BENTLEY. There was a man named Moore there then.

Senator CURTIS. Cal Moore?

Mrs. BENTLEY. I guess that is his name, and Grimes, not the older man, but the younger man.

Senator CURTIS. It was a man they called Tack, was it?

Mrs. BENTLEY. I think that was the name.

Senator CURTIS. Was there anybody else that you recognized?

Mrs. BENTLEY. No, sir; I do not believe that I saw anybody else.

Senator CURTIS. Then what occurred; did you or not get on that train.

Mrs. BENTLEY. No, sir; they would not let me get on the train.

Senator CURTIS. What time did you go back to camp?

Mrs. BENTLEY. I returned to Mrs. Galan's house, and the Indians all left and went back to the camp, I presume; they disappeared.

Senator CURTIS. How long before you were at the camp again?

Mrs. BENTLEY. I never returned to the camp again; I went to Mrs. Galan's house and remained until the next day. They said I was arrested and they thought I had to go to the presidente.

Senator CURTIS. You did not have to go?

Mrs. BENTLEY. Never.

Senator CURTIS. You found out afterwards that it was just one of the bluffs of Dr. Conine and this crowd?

Mrs. BENTLEY. They came and insisted that I should pay for the hack that went out to arrest me, and I told them I would not do it. I said, "You needed the hack," but they said that I should pay for it because I rode in it. I paid \$6 for it because John Mine and I rode in it; I had to pay for it or they would have arrested me, so they told me.

Senator CURTIS. Did you go from there to Eagle Pass?

Mrs. BENTLEY. Yes, sir; the next day.

Senator CURTIS. State if you met Mr. Grimes or any of his crowd on the way to Eagle Pass, or after you got to Eagle Pass?

Mrs. BENTLEY. I saw Mr. Grimes on the train—or I saw Mr. Grimes at Barroteran.

Senator CURTIS. Was that on the trip over—it does not matter—you met him at one time, anyhow?

Mrs. BENTLEY. At one time we met them.

Senator CURTIS. What occurred there?

Mrs. BENTLEY. I saw him carry an old Indian woman who could not walk or see—she was totally blind—and he carried her off the train and sat her on the platform.

Senator CURTIS. What was her name?

Mrs. BENTLEY. I do not know her name, but she is Noten's mother.

Senator CURTIS. Have you any idea how old she is?

Mrs. BENTLEY. I presume she is about 90.

Senator CURTIS. You say she is blind?

Mrs. BENTLEY. She is totally blind; I went up and tried to talk to her and she could not hear or see. He took her off there and sat her on the platform.

Senator CURTIS. How long did he leave her there?

Mrs. BENTLEY. Until the next train arrived.

Senator CURTIS. Did you see him put her on the train?

Mrs. BENTLEY. Yes, sir.

Senator CURTIS. How did he get her on the train?

Mrs. BENTLEY. He carried her on the train.

Senator CURTIS. Is that the gentleman sitting there that you refer to [indicating]?

Mrs. BENTLEY. This is the man.

Senator CURTIS. Mr. Grimes?

Mrs. BENTLEY. Yes, sir.

Senator CURTIS. Did you have any conversation with him there?

Mrs. BENTLEY. No, sir; he lifted his hat to me when I passed him; the Indian woman sat there, and he lifted his hat and said: "Good morning." I said: "Don't you speak to me."

Senator CURTIS. Were there any other white men there at the time?

Mrs. BENTLEY. I did not see any.

Senator CURTIS. Did the Indians have any trouble with Grimes or his party at that time?

Mrs. BENTLEY. No, sir; I saw no trouble.

Senator CURTIS. While your husband was in prison were you up town when any Indian women were drunk there, or did you see anything that would indicate that an Indian woman was drunk?

Mrs. BENTLEY. I saw several young girls who looked as if something was wrong with them; they did not seem to know what they were doing.

Senator CURTIS. Do you know Rachael Kirk?

Mrs. BENTLEY. I do not.

Senator CURTIS. Did you see any woman lifted and put in a buggy there?

Mrs. BENTLEY. I saw Mr. Grimes lift a woman and put her in a wagon the evening my husband was released from jail, I think.

Senator CURTIS. Was it an Indian woman?

Mrs. BENTLEY. Yes, sir.

Senator CURTIS. Just describe the circumstances.

Mrs. BENTLEY. There was a gentleman named Mr. Ikenberry and his wife and myself, and I believe my son was along; we were coming from supper and there was a gentleman, a stranger to me, whom I understood was a drummer or some merchant from Chicago—I do

not know his name—and as we reached the corner three hacks pulled up; in the front hack was Mr. Chapman. The hacks stopped and I saw the man come out of the saloon with all the bottles he could possibly carry in both arms and he handed them to Mr. L. C. Grimes and he unloaded them into the wagon that he was sitting in, and Mr. Grimes picked up a woman who seemed unable to walk and laid her right in Mr. Chapman's arms.

Senator CURTIS. You say he put her in Mr. W. L. Chapman's arms?

Mrs. BENTLEY. Yes, sir; he had to support the woman; she could not sit up.

Senator CURTIS. State if you saw either of this crowd of people over at Eagle Pass or C. P. Diaz with any women?

Mrs. BENTLEY. After I had returned the Indians were being brought over by the Grimes gang and taken forcibly to one place and another and deeds were taken from them. I met every train that came in. I would not let my husband cross over; I expected he would be killed. I met every train, and every time I saw a train come in I would get on and tell the Indians that Mr. Bentley was in Eagle Pass and if they wanted to see him I would take them to him. At one time when I was at C. P. Diaz a train came in and I saw Mr. Grimes on the platform. I knew there were Indians on it and I stepped up on the platform before the train had stopped. When I went to get in the car, Mr. Grimes tried to keep me from entering—I am mistaken; he was just bringing out an old Indian, named Ah-kis-kuck, and wife from the car, so instead of letting them walk on the ground he put them into the palace car—and I tried to get up, and he stood in my way, and when I tried to get up on the step I had to take him and push him back, and then went in to Ah-kis-kuck and his wife, and then he took them by the shoulders, both the man and the woman, and put them in the stateroom and tried to shut the door, but I stood there with my foot against it and refused to let him close it. The conductor came and wanted to know what the trouble was, and I told him that man was trying to keep me out of the stateroom, and he said I did not have any business in there; I told him I knew it, but I did not propose to let him take the Indians any farther.

Senator CURTIS. Had those Indians indicated that they wanted to stay with him?

Mrs. BENTLEY. They did not demonstrate it, but they did demonstrate that they did not want to stay with him. We went into the day coach, and Mr. Grimes, Mack Johnson and an Indian, and Russell Johnson and a white man—I do not know whether Mr. Chapman was there or not, but I think he was—they all got around him and commenced telling him not to go with Mr. Bentley, but to go with them; they were paying so much for the land. One would say one thing and another would say another. I did not say anything to them whatever, but Johnny Mine told them that Mr. Bentley had sent me and if they wanted to go to Mr. Bentley to say so. We all stood there talking and they finally sat down in the seat. Johnny Mine said, "Do you want to go with Grimes?" and they said "No, with mama," and they reached out their hands to me; they can not say Mrs. Bentley; the old people of the tribe, nearly all of them, call me "Mama."

Senator CURTIS. Did you take them up to Mr. Bentley?

Mrs. BENTLEY. When the train arrived at Ciudad Porfirio Diaz, I got a carriage and took them to the hotel where I was staying.

Senator CURTIS. Were there any other occurrences, so far as those people are concerned?

Mrs. BENTLEY. A few days afterwards I was in C. P. Diaz again and saw them going in with a good many young Indians, and I went around on the opposite side of the train where they would get off and waited there, just as the train stopped, and when Grimes came out he went down the steps first and there were about five or six Indians that he had with him, and he put his hand on the back of one of the Indians and said when he started down the steps, "Do you want to go with Grimes?" and he said no, and he came around the other side and followed me, and I got a carriage and we drove to the hotel again. They were mostly young men.

Senator CURTIS. Did you have any other occurrence with Grimes or Conine or Chapman or any of those people?

Mrs. BENTLEY. I do not remember.

Senator CURTIS. I think you said that the first incident on the train with the men and women, Russell Johnson was there?

Mrs. BENTLEY. Yes, sir; he offered Ah-kis-kuck \$2,600 for his land. I never offered him anything. I told him I had come to take them to Mr. Bentley if they wanted to go.

Senator CURTIS. Did you say you had any other meetings with them or any other controversies with the Indians?

Mrs. BENTLEY. I believe not.

Senator CURTIS. Now you have some deeds to some of this land, have you not?

Mrs. BENTLEY. Yes, sir.

Senator CURTIS. Tell the committee how many you have.

Mrs. BENTLEY. I have a deed to the Wah-nah-ke-tha-hah 80.

Senator CURTIS. How much did you pay Wah-nah-ke-tha-hah for his land?

Mrs. BENTLEY. I did not buy any land from the Indians, the deeds were made to me in trust. I had no transaction with any Indian whatever.

Senator CURTIS. Who did have the transaction?

Mrs. BENTLEY. Mr. Bentley.

Senator CURTIS. You say they were made to you in trust; what did you give the Indian, or what have you done to indicate that that is a trust?

Mrs. BENTLEY. I signed a paper; I signed an acknowledgment that I was holding the land in trust, and I also made a deed that in case of my death everything that I held of the Indians would go to my husband so that he could manage it as they always wanted him to.

Senator CURTIS. Did you say deed or will?

Mrs. BENTLEY. I made a will.

Senator CURTIS. And you have made special reference in that will to this Indian land, have you?

Mrs. BENTLEY. I deeded everything I had to my husband; he was sole executor, except as to just a piece of property that I left to my children. That is my own.

Senator CURTIS. State what was done with that deed of trust that you signed?



Mrs. BENTLEY. Mr. Bentley took it to Mexico when he went.

Senator CURTIS. Did you pay this Indian whose name you have just mentioned any money for his land?

Mrs. BENTLEY. I never saw him when the deed was made.

Senator CURTIS. Have you a deed to any other piece of property?

Mrs. BENTLEY. I have a deed from Jim Deer.

Senator CURTIS. How much did you pay Jim Deer?

Mrs. BENTLEY. I have never paid him anything. All the business transactions were through Mr. Bentley. It was simply a deed in trust that I held for the Indian. Some of the Indians objected to deeding to anyone but to Mr. Bentley, and some of them said they would deed to me; that is all I know about it.

Senator CURTIS. You did not pay a dollar for Jim Deer's land, did you?

Mrs. BENTLEY. No, sir; I never paid for anything.

Senator CURTIS. Is his name mentioned in this trust the same as the others?

Mrs. BENTLEY. Yes, sir.

Senator CURTIS. Have you any more land in trust? If so, name any other Indian whose land you hold in trust.

Mrs. BENTLEY. Ah-kis-kuck, and I believe Ah-kis-kuck's wife.

Senator CURTIS. How many pieces?

Mrs. BENTLEY. Two 80's.

Senator CURTIS. Did you pay either of them any money for the land?

Mrs. BENTLEY. I did not pay them any money, but I saw Mr. Bentley pay them money, and there were a good many bills; Ah-kis-kuck and his wife owed and needed money to settle those; they said those bills must be settled, and they wanted so much money to help them. That is all the transaction I had about that. I saw them sign the deed.

Senator CURTIS. Are those all the pieces that you hold in trust?

Mrs. BENTLEY. I believe that is all.

Senator CURTIS. You have a piece in your own name, have you not, that you absolutely own?

Mrs. BENTLEY. There is a piece that Okemah had deeded to me. His boy died, but Okemah said that was not my own; I hold it for Okemah, but not for the Indians.

Senator CURTIS. That is a separate transaction between Okemah and yourself?

Mrs. BENTLEY. Yes, sir.

Senator CURTIS. Did you give Okemah any money or any paper to show that you hold it in trust?

Mrs. BENTLEY. The paper was made out up here. I have never seen Okemah since that was made.

Senator CURTIS. But you made out a paper showing that you held it in trust?

Mrs. BENTLEY. Yes, sir.

Senator CURTIS. What was this trust; what was to be done, if you know—just briefly?

Mrs. BENTLEY. The Indians always talked when they came to my husband to the effect that they wanted to go to Mexico and wanted to hold all land together; they did not want it divided up; they

wanted to buy land all together in one piece so that they could live as they wanted to live.

Senator CURTIS. That is, live as they used to?

Mrs. BENTLEY. Yes, sir; live in common. He told them if they did they would have to put their land all together; what the land would sell for and would realize would all have to be put together; that they could not buy land in any other way, because none of them would have money enough; they would all have to contribute toward paying for a piece of land in Mexico.

Senator CURTIS. Do you know, of your own knowledge, of your husband's securing any land for them in Mexico?

Mrs. BENTLEY. I know from Mr. Bonnet and other people; I have never been on the tract of land, and I have never seen the land, but it was commonly understood that a reservation was bought for them.

Senator CURTIS. Was that deed taken in your name?

Mrs. BENTLEY. No, sir.

Senator CURTIS. Did you ever assert any claim to it?

Mrs. BENTLEY. Never, as against the Indians.

Senator CURTIS. How long have you been back here?

Mrs. BENTLEY. I came back in the latter part of July, the same year that I went down there. I have never been there since.

Senator CURTIS. I wish you would state why you went to Mexico in June, 1906, or the time you went.

Mrs. BENTLEY. The previous year my husband had been arrested and thrown in jail for no cause whatever and I received a letter one morning. I had no intention of going to Mexico whatever, but I received a letter from my husband in which he said not to be worried, that he was arrested again. From what he heard he apprehended they were going to throw him into jail again. I thought I could not stand it to remain at home, and I got ready and went to a neighbor's and engaged a place for my little girl to stay, and also my son. I thought he might need me down there, and the next morning I took the train for Muzquiz. I had no time to make preparations. When I got near Eagle Pass I telegraphed ahead to Mr. Bonnet—I had never met him, but I knew he was a friend of Mr. Bentley's—and I asked him to meet me at the train. I wanted information from him. I did not know where Mr. Bentley was, although I knew he was somewhere in Mexico. Mr. Bonnet met me at the train and told me he did not know exactly where Mr. Bentley was; that he had been in Eagle Pass a few days before that, but whether he had left for Muzquiz or whether he had left there or not he did not know, but the best thing would be for me to stay at the hotel at Ciudad Porfirio Diaz until I could hear from him. He took me to the International Hotel at Ciudad Porfirio Diaz, and I remained there several days.

Mr. EMBRY. Mrs. Bentley, the Noten land was sold, was it not?

Mrs. BENTLEY. I do not know anything about that land being sold. I did not attend to that business.

Mr. EMBRY. Did you have the Noten deed?

Mrs. BENTLEY. I do not think I had that deed. I mentioned the deed I had.

Mr. EMBRY. You do not know that you had an interest in the Noten land—that is, that it had been conveyed to you—do you?

Mrs. BENTLEY. I do not remember hearing that name mentioned.

Mr. EMBRY. You know Noten, do you not?

Mrs. BENTLEY. I know Noten; yes, sir.

Mr. EMBRY. You know that he was one of the seven whose restrictions were removed, or to whom patents were ordered in the first instance?

Mrs. BENTLEY. Yes, sir; I presume he was one of them.

Mr. EMBRY. Did you understand that this land had been conveyed by Noten to Mr. Everest?

Mrs. BENTLEY. I told you I did not know anything about the transactions that the Indians had with Mr. Bentley. I did not attend to that business.

Mr. EMBRY. Did you know that Mr. Everest conveyed this land back to you?

Mrs. BENTLEY. No, sir; I did not know that.

Mr. EMBRY. Do you remember joining in the deed when this land was sold the first time?

Mrs. BENTLEY. Yes, sir.

Mr. EMBRY. And you remember that Noten made you a deed under the last act, do you?

Mrs. BENTLEY. Yes, sir.

Mr. EMBRY. What became of the proceeds of the sale of Noten's land?

Mrs. BENTLEY. I never handled any of the money or had any transaction any more than a deed was given in my name, in trust, and when Mr. Bentley or Mr. Ives said it was the proper time to sign it. I signed it. I never asked whose land it was. It was one of the pieces I had in trust.

Mr. EMBRY. You never understood that you were to receive any of the proceeds, or look to the disposition of them?

Mrs. BENTLEY. I had nothing to do with that whatever.

Mr. EMBRY. You had no interest in it and gave no attention to it except that they had land conveyed to you and you held it until they directed you to convey it again?

Mrs. BENTLEY. Yes, sir.

Mr. EMBRY. And that is the only part that you understood you were to perform in these trust patents?

Mrs. BENTLEY. That was the only part I was to perform. Of course, since they arrested my husband I had mortgaged my own property and have signed notes and did anything I could, and borrowed money to help him get money to carry these lands with.

Mr. EMBRY. What property have you mortgaged?

Mrs. BENTLEY. I first agreed to borrow \$3,000 from Mr. Everest and then afterwards it was not borrowed; Mr. Ives made other arrangements to get the money, so I did not mortgage them. I have borrowed and given to Miss Ruth Field \$2,000 to give to Mr. Bentley, giving my own note for it.

Mr. EMBRY. Did you give a mortgage on any property to secure it?

Mrs. BENTLEY. No, sir; I did not. I borrowed money from Mr. Everest on the Ah-kis-kuck land; I did not borrow that on my own property because it was for the sole benefit of the Indians.

Mr. EMBRY. How much did you borrow from Mr. Everest on the Ah-kis-kuck land?

Mrs. BENTLEY. I think \$5,000, but I am not sure.

Mr. EMBRY. Has any of that been paid?

Mrs. BENTLEY. I do not know anything about what has been paid or borrowed, but when Mr. Bentley has needed money he has asked me to sign and I have signed.

Mr. EMBRY. Now what other money have you borrowed, if you can remember?

Mrs. BENTLEY. I borrowed \$500 at Mr. Search's bank, and Mr. Bentley and I gave our note for it.

Mr. EMBRY. Did you give any security?

Mrs. BENTLEY. No, sir; they did not ask it.

Mr. EMBRY. Did you give any security to Miss Ruth Field?

Mrs. BENTLEY. I offered to give security to Miss Ruth Field and they said it would be made out later. There were some lots in Okemah that I was to deed to Miss Ruth Field in case the money was not paid in a certain time.

Mr. EMBRY. What land have you in Okemah?

Mrs. BENTLEY. I have half interest in 56 lots in Okemah, and I own an interest, I think it is, in a block or a half a block of ground; it is trackage property.

Mr. EMBRY. At Okemah?

Mrs. BENTLEY. Yes, sir.

Mr. EMBRY. What is the value of your real estate at Okemah?

Mrs. BENTLEY. I can not state; it was worth more a while back when they were looking for another railroad than it is now, but I suppose it is worth a couple of thousand dollars or more.

Mr. EMBRY. Your interest is worth that?

Mrs. BENTLEY. Yes, sir; certainly.

Mr. EMBRY. Have they a railroad at Okemah?

Mrs. BENTLEY. I have not been to Okemah since the opening; once afterwards when I bought the lots.

Mr. EMBRY. You have not mortgaged any of your personal property to secure these moneys which have been advanced to Mr. Bentley, have you?

Mrs. BENTLEY. I offered to mortgage it. I went to the bankers here, and Mr. Douglass finally agreed to loan me \$5,000 on my place down there, and Mr. Ives came forward and said that he would prefer that I should not do it; that he thought he could raise the money, and he did not want me to involve my own property in any way for these Indians.

Mr. EMBRY. What did you refer to when you said your home place?

Mrs. BENTLEY. It is property that I have owned since the town was first started here.

Mr. EMBRY. Is it here in Shawnee?

Mrs. BENTLEY. Yes, sir.

Mr. EMBRY. What is that property—residence property?

Mrs. BENTLEY. It is a block and a half of ground between Market and Bentley avenue and Baird street on the east. I own from Baird street to Market street and from Market street to the alley.

Mr. EMBRY. What is the value of that property?

Mrs. BENTLEY. I can not tell; I paid last year, I think, \$170 taxes on that property.

Mr. EMBRY. Do you know what the rate of taxation down here is?

Mrs. BENTLEY. I do not.

Mr. EMBRY. It is about 7 per cent, is it not?

Mrs. BENTLEY. I do not know anything about the rate of taxation; I just paid my taxes, that is all. I thought it was awfully high, but I paid it.

Mr. EMBRY. From your experience or observation of what you have here, state about the value of your real estate here, approximately.

Mrs. BENTLEY. I have one house on that property that is insured for \$3,000, and another for \$1,500, and another one that is worth \$1,500 that is not insured, and another worth \$200 that is not insured at all.

Mr. EMBRY. That is in the residence portion of the town?

Mrs. BENTLEY. Yes, sir; and I own a lot on Union avenue that I have been offered \$1,800 for.

Mr. EMBRY. What other property have you in this town?

Mrs. BENTLEY. None that I know of.

Mr. EMBRY. Or elsewhere?

Mrs. BENTLEY. I have a farm; it is down near the town named Roff, a little railroad station.

Mr. EMBRY. Roff, Ind. T.?

Mrs. BENTLEY. Yes, sir.

Mr. EMBRY. How large a farm is that?

Mrs. BENTLEY. It is 300 acres.

Mr. EMBRY. How long have you owned that farm?

Mrs. BENTLEY. About five years.

Mr. EMBRY. Did you buy that farm yourself?

Mrs. BENTLEY. Mr. Bentley bought it.

Mr. EMBRY. Do you know who paid for it?

Mrs. BENTLEY. I presume he paid for it.

Mr. EMBRY. You paid nothing for the farm?

Mrs. BENTLEY. Mr. Bentley has always done all the financial transactions in the family. My business is to keep house and only to the house.

Mr. EMBRY. This real estate which you mention in Shawnee, did you buy that or did Mr. Bentley?

Mrs. BENTLEY. I bought the lot on Union avenue, or we both bought it; I do not know whether it was one or the other. We traded property that we had in Okemah for it, I believe.

Mr. EMBRY. Whose property was it in Okemah that you traded for this property?

Mrs. BENTLEY. I expect it was his property.

Mr. EMBRY. This real estate that you have mentioned is real estate which he has acquired, all of it, is it not?

Mrs. BENTLEY. I do not know whether he has acquired it or we have acquired it together; it is home property. I came here to live and that was deeded to me. The block I built in was the best for residence purposes. It was the first residence that was built in town, and it cost, when built, about \$4,500. The lumber was hauled from Oklahoma City, and the block was given to me for the improvements to help start the town.

Mr. EMBRY. By whom?

Mrs. BENTLEY. By T. G. Ferrall and wife, or some Ferrall.

Mr. EMBRY. Your funds built those improvements, did they?

Mrs. BENTLEY. My funds built the improvements.

Mr. EMBRY. Yours exclusively?

Mrs. BENTLEY. They were family funds. I had a claim in Oklahoma that we sold for about \$2,300, I believe.

Mr. EMBRY. A Government homestead?

Mrs. BENTLEY. Yes, sir.

Mr. EMBRY. Was that homestead in your name or Mr. Bentley's?

Mrs. BENTLEY. It was mine; I took it before I was married.

Mr. EMBRY. And those funds you employed in making improvements here?

Mrs. BENTLEY. Yes, sir.

Mr. EMBRY. Is there any other real estate or other property that you own and have not enumerated?

Mrs. BENTLEY. No, sir; I believe not.

Mr. EMBRY. Do you know what property your husband owns?

Mrs. BENTLEY. He has a farm over  $3\frac{1}{2}$  miles from here.

Mr. EMBRY. That is your homestead, is it?

Mrs. BENTLEY. Yes, sir.

Mr. EMBRY. Do you know of any other property that he owns?

Mrs. BENTLEY. I do not know any other that he owns.

Mr. EMBRY. How many trust papers or declarations of trust, or deeds did you make with reference to this Indian land?

Mrs. BENTLEY. I signed two trust papers. First, there were just the original ones that I held deeds to, and later on there was a new one made and I signed that—Ah-kis-kuck's and some more were included in it.

Mr. EMBRY. I understood from your testimony awhile ago that this tract of land which Okema inherited—from some deceased relative, I suppose—that you hold that in trust for Okema?

Mrs. BENTLEY. For Okema individually.

Mr. EMBRY. Not to go into the pool?

Mrs. BENTLEY. No, sir.

Mr. EMBRY. Did you execute another trust instrument with respect to that particular tract of land?

Mrs. BENTLEY. I signed a trust instrument and sent it to Mr. Bentley, I think. He was not at home when the deed was signed.

Mr. EMBRY. At the time you went to the Indian camp and those Indians appealed to you for protection, you said it had been reported there that Mr. Bentley was dead?

Mrs. BENTLEY. That is what they told me.

Mr. EMBRY. And that the Indians would have to look to Mr. Conine for protection or aid?

Mrs. BENTLEY. Yes, sir; that is what they told me.

Mr. EMBRY. Who gave you that report?

Mrs. BENTLEY. There was an Indian there, not a Kickapoo—Stanley Edge. He talks very good American. He was there at Mr. Guajardo's house and heard that he was arrested, or at least he was there and heard that statement made, and I understand it was made by Guajardo, and he said Mr. Outcalt got up and said the same thing, that Mr. Conine would hereafter look after their affairs.

Mr. EMBRY. Who said that?

Mrs. BENTLEY. Mr. Outcalt. That is what Stanley Edge told me. I did not hear it.

Mr. EMBRY. I understand that you did not hear any conversation of Outcalt while you were down there?

Mrs. BENTLEY. No, sir.

Mr. EMBRY. How long have you known these Indians?

Mrs. BENTLEY. Since before my husband was agent for them.

Mr. EMBRY. You are personally acquainted with most of them, are you?

Mrs. BENTLEY. I could not say most of them, but a great many of them. Of course some of the younger ones I could not say that I was personally acquainted with.

Mr. EMBRY. When you arrived at the camp on the occasion referred to and learned that it was reported that Mr. Bentley was dead and they would have to look to Conine, what did the Indians say to you about that?

Mrs. BENTLEY. They asked me if Mr. Bentley was dead, and I told them I had come to tell them that he was not dead.

Mr. EMBRY. Are those Indians in a condition so that they feel that they must have some one to look to?

Mrs. BENTLEY. They are as helpless as children as far as any money transactions or any business transactions are concerned. They can not manage their own affairs. At least that was their reason for wanting to leave here.

Mr. EMBRY. Did Okema come to your house and complain?

Mrs. BENTLEY. He said he would raise corn and pumpkins and melons, and things out there, and the boys would come and steal them, and if he had any left he would bring them to town and the merchants here would only give him half what they would give a white man, and he said he could not live out there and farm close to town.

Mr. EMBRY. And Okema was the most intelligent of all of them?

Mrs. BENTLEY. He is intelligent enough to deal with his own people, or with the people that he can converse with or understand, but he is not intelligent enough to compete with white people.

Mr. EMBRY. There are none of those Indians who really know the value of property, are there?

Mrs. BENTLEY. I do not suppose they know the value of property; I do not know.

Mr. EMBRY. From your experience with them is it not a fact that they really never appreciate property, or what their lands are worth?

Mrs. BENTLEY. They tell me they were worth nothing to them here, that they would not live here; that they were so harassed and uncomfortable here that they could not and would not live here.

Mr. EMBRY. They were willing to give them away to anyone who would transfer them to another point?

Mrs. BENTLEY. I do not know whether they were willing to do that, whether they would give them to you or to me. They wanted my husband to look after them and take them to a home somewhere else. They would come to me to do that when he was not here.

Mr. EMBRY. Now, in the event of either of those Indians having any business transactions with another party, are they capable of telling or knowing, of keeping accounts of their transactions, and knowing the state of them, or make settlements or transact other business matters?

Mrs. BENTLEY. Some of them can; and some of them can keep it in their heads exactly. If you borrowed money from them or loaned money to them they can keep an account of it in their heads.

Mr. EMBRY. How many can do that?

Mrs. BENTLEY. I could not say, but several of them can do that.

Mr. EMBRY. Are there not a considerable number who can not do that?

Mrs. BENTLEY. I presume there are. I do not know how many can do it, but there must be quite a considerable number. I could not answer that. I have had no dealings with those Indians and have not seen the majority of them since my husband ceased being agent, until last summer, when I saw them in Mexico.

Mr. EMBRY. You say your husband told them, during the time he was agent, that they could not go to Mexico until they learned to farm?

Mrs. BENTLEY. Yes, sir. He always told them when they complained about living in this country that the only way they could get out of there was to do farming, and make their living before the Government would hear of their leaving.

Mr. EMBRY. Did he not encourage them to get on their allotments, with a view to, as soon as they could farm a little, going to Mexico?

Mrs. BENTLEY. I did not ask him anything about that; he did not encourage them at all. He told them time and again that they would have to work, that that was what the Government expected of them, and his work and labor among them would prove that.

Senator CURTIS. Can you tell the committee why Pah-ko-tah went to Mexico?

Mrs. BENTLEY. He came to my house a great many times and asked Mr. Bentley to help him to go to Mexico, and Mr. Bentley told him he could not help him, because he had no home there and he had to stay here. He came time and again and asked Mr. Bentley to help him. One night at 9 or 10 o'clock some one knocked at the door and Pah-ko-tah just managed to get in and he fell in a chair: he told me he was hurt. I asked him what hurt him, and he said he had been kicked, and that he was at his home and some drunken Indian came there and asked for shelter and food and he told him he had none, that he had no food to give him, and said he knocked him down and kicked him and stamped him and he was afraid they would kill him; that he had got away from them and had come to my house. I told him to lie down; I fixed him a cot in the dining room and I told him to wait until Mr. Bentley came. He stayed all night, and in the morning he talked with Mr. Bentley and told him he could not live there any longer, that if he stayed there they would kill him.

Senator CURTIS. That is why he went to Mexico, is it?

Mrs. BENTLEY. Yes, sir.

The witness was thereupon excused.

GEORGE F. GRAHAM—Recalled.

Senator CURTIS. You were requested to furnish the committee some accounts. Have you them with you?

Mr. GRAHAM. Yes, sir; I have three. I will make some more and send them to you.

Senator CURTIS. Will you send them to Senator Teller or myself at Washington?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. There were some checks also.



The CHAIRMAN. The accounts will be inserted in the record.  
The accounts are as follows:

SHAWNEE, OKLA., November 20, 1907.

*Lucy Coon, in account with Geo. F. Graham, General Merchandise.*

1906.		
Apr. 30.	To tobacco, 20 cents; 8 pounds meat, \$1.20; candy, 15 cents; 3 cans beef, 60 cents; soap, 15 cents; 25 pounds flour, 80 cents.....	\$3. 10
Apr. 30.	To 12 yards calico, \$1; 1 pair overalls, 60 cents; beads, 75 cents; 2½ yards ribbon, 25 cents.....	2. 60
Apr. 30.	To crackers, 3 pounds.....	. 30
May 5.	To 1 pair pants, \$2.25; 1 pair shoes, \$3; meat, 75 cents.....	6. 00
May 7.	To 5 pounds coffee, \$1; 3½ pounds meat, 50 cents; 50 pounds flour, \$1.45; raisins, 25 cents; chili, 25 cents.....	3. 45
May 7.	To 2 cans beef, 40 cents; 20 yards calico \$2; 4 pounds apricots 50 cents.....	2.90
May 7.	To tobacco, 25 cents; 3½ pounds sugar, 25 cents; 2 cans peaches, 50 cents; 1 box pepper sauce, 15 cents.....	1. 15
May 7.	To soap, 25 cents; 2½ pounds rice, 25 cents; 1 pound crackers, 10 cents; candy, 10 cents.....	. 95
May 25.	To 25 pounds flour, 75 cents; coffee, 50 cents; 4½ pounds meat, 65 cents; 2 cans beef, 40 cents; sugar, 30 cents.....	2. 60
May 25.	To 1 silk muffler, large, \$2; tobacco, 25 cents; candy, 15 cents; 2 cans corn, 30 cents.....	2. 70
July 20.	To 1 pair lady's shoes, \$2.75; bacon, 50 cents; 2 cans beef, 40 cents; 2 cans peaches, 50 cents; 2 pounds coffee, 40 cents.....	4. 55
July 20.	To cartridges, 50 cents; tobacco, 20 cents; 3½ yards ribbon, 35 cents.....	1. 05
July 26.	To 3½ pounds meat, 50 cents; tobacco, 10 cents; 2 pounds coffee, 40 cents.....	1. 00
Aug. 1.	To 50 pounds flour, \$1.45; 2 pounds coffee, 40 cents; 10 yards oil calico, \$1; 3½ pounds sugar, 25 cents.....	3. 10
Aug. 1.	To 2 cans beef, 40 cents; 2 pounds crackers, 20 cents; candy, 10 cents; tobacco, 25 cents; soap, 10 cents; 10 yards calico 85 cents.....	1. 90
Aug. 3.	To crackers, 10 cents; 3½ pounds meat, 50 cents; 1 can beef, 20 cents; tobacco, 15 cents; candy, 5 cents.....	1. 00
Aug. 15.	To 1 pound coffee, 20 cents; 4 pounds meat, 60 cents; 1 can beef, 20 cents; crackers, 10 cents.....	1. 10
1907.		
July 19.	To 1 pound coffee, 25 cents; 3 pounds crackers, 30 cents; 2 bars soap, 10 cents; 1 can salmon, 25 cents; candy, 10 cents.....	1. 00
July 24.	To 50 pounds flour, \$1.50; meal, 25 cents; 8½ pounds meat, \$1.25; coffee, 50 cents; 1 can baking powder, 25 cents.....	3. 75
July 24.	To tobacco, 10 cents; 2 bars soap, 10 cents; candy, 5 cents; 10 yards calico oilcloth, \$1.....	1. 25
July 31.	To 1 fancy large muffler, \$2.50; 4 pounds meat, 50 cents; 2 pounds coffee, 40 cents; beads, 25 cents.....	3. 65
July 31.	To cologne, 10 cents; candy, 5 cents; 2½ yards ribbon, 25 cents.....	. 40
Aug. 15.	To flour, \$1.50; 5 pounds coffee, \$1; 10 pounds meat, \$1.50; 1 can baking powder, 25 cents; 5 bars soap, 25 cents.....	4. 50
Aug. 15.	To tobacco, 25 cents; 2½ pounds rice, 25 cents; 1 pair shoes, \$2.75; 24 yards calico, \$2; thread, 25 cents.....	5. 50
Aug. 22.	To 3½ pounds meat, 50 cents; crackers, 30 cents; sardines 20 cents.....	1. 00
Aug. 31.	To 3½ pounds meat, 50 cents; sardines, 15 cents; 2 pounds crackers, 20 cents; 5 pounds coffee, \$1; sugar, 25 cents; candy, 5 cents.....	2. 15
Sept. 2.	To 2½ pounds rice, 25 cents; 5 bars soap, 25 cents; baking powder, 10 cents; 10 yards calico, \$1; onions, 25 cents.....	1. 85
Sept. 2.	To 1 pair overalls, 50 cents, 20 pounds meal, 35 cents; tobacco, 10 cents; gum, 5 cents.....	1. 00
Sept. 4.	To 19 pounds meat, \$2.85; 1 pound crackers, 10 cents; tobacco, 5 cents; 2 cans salmon, 50 cents; 1 can baking powder, 25 cents; 3½ pounds sugar, 25 cents.....	4. 00

1907.

Sept. 4.	To 50 pounds flour, \$1.50; 2 cans sausage, 30 cents; 1 can beef, 20 cents	\$2. 00
Sept. 14.	To 50 pounds flour, \$1.50; coffee, 75 cents; 4 pounds meat, 60 cents; 3 bars soap, 15 cents; 3½ pounds sugar, 25 cents; tobacco, 10 cents	3. 35
Sept. 14.	To 2½ pounds rice, 25 cents; 1 can baking powder, 25 cents; 1½ pounds crackers, 15 cents	. 65
Sept. 16.	To calico, \$1; flour, 80 cents; tobacco, 20 cents	2. 00
Sept. 25.	To meal, 35 cents, coffee, 50 cents, 2 pounds sugar, 25 cents; 12 yards calico, \$1	2. 10
Oct. 26.	To flour, \$1.75; 5 pounds meat, 75 cents; 2 pounds coffee, 50 cents; 2½ pounds rice, 25 cents; tobacco, 25 cents; crackers, 10 cents; cheese, 10 cents	3. 70
Oct. 26.	To 1 pair shoes, \$1.50; baking powder, 25 cents; order merchandise, Po-ko-com-se, \$6	7. 75
Total		91. 05

SHAWNEE, OKLA., November 20, 1907.

*Waw-pe-sos, in account with Geo. F. Graham, general merchandise.*

1904.

Mar. 3.	To 1 broad-brim Stetson hat, \$6; 16 yards ribbon, \$1.60	\$7. 60
Mar. 3.	To 1 yard strouding	3. 00
Mar. 11.	To 125 pounds flour, \$2.90; pearl buttons, 3 dozen, 45 cents; tobacco, 60 cents	3. 95
Mar. 11.	To 1 pair pants, \$5; suspenders, 25 cents	5. 25
Mar. 15.	To cash got at agency	7. 50
Mar. 16.	To 'phone message from agency	. 40
Mar. 20.	To 1 fancy robe, or shawl	7. 50
Apr. 1.	To 7½ pounds bacon, \$1.10; tobacco, 10 cents; potatoes, 1 peck, 25 cents; salmon, 1 can, 25 cents	1. 70
Apr. 1.	To 3 pounds prunes	. 30
Apr. 14.	To 25 pounds flour, 75 cents; 2 packages coffee, 40 cents; sugar, 25 cents; 4 pounds meat, 55 cents	1. 95
Apr. 14.	To baking powder, 10 cents; tobacco, 15 cents; 1 vest, \$2	2. 25
Apr. 27.	To 50 pounds flour, \$1.50; 7 pounds salt meat, \$1.05; meal, 40 cents	2. 95
May 4.	To candy	. 05
Total		44. 40

SHAWNEE, OKLA., November 20, 1907.

*O-que-mah-ah-them, in account with Geo. F. Graham, general merchandise.*

1905.

Mar. 25.	To cash check, \$50, for 60 days	\$51. 50
\$50.	3/25/1905. O-que-mah-ah-them; % loan. No. 24.	

Senator CURTIS. Yesterday, when you were on the stand, you spoke about this man Benton; you said he was a friend of yours in the Department?

Mr. GRAHAM. Yes, sir; in Washington.

Senator CURTIS. And that you had no secret code with him. I want to ask you what this dispatch, which he sent you on August 8, 1907, means: "Doctor went out to-day; probably leaves to-night. Surely to-morrow." Can anybody make any sense out of that but yourself?

Mr. GRAHAM. It was relative to a patent.

Senator CURTIS. Was it a Kickapoo patent?

Mr. GRAHAM. No, sir.

Senator CURTIS. Was it a Shawnee patent?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. Was it one that you were buying or that you had a claim against him for?

Mr. GRAHAM. No, sir; but I had an account against him.

Senator CURTIS. And that had no reference to any transaction in which you wanted to buy land?

Mr. GRAHAM. No, sir; not at all.

Senator CURTIS. What was your interest in that patent? Did you want to collect your debt?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. Here is a telegram dated August 9: "Although positively denied, think Doctor left last night. Know to-morrow." Was that the same patent?

Mr. GRAHAM. I suppose so; it was the Doctor.

Senator CURTIS. What patent was meant by Doctor?

Mr. GRAHAM. That was Doctor John, an heirship patent.

Senator CURTIS. Now, here is one on August 10: "Better act as if Doctor left Thursday." Was that about the same Doctor?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. That was the same patent?

Mr. GRAHAM. Yes, sir; the same "Doctor."

Senator CURTIS. Here is one September 3: "Billie P. recorded; dated August 5; go out to-morrow." What is that?

Mr. GRAHAM. That was a Shawnee patent.

Senator CURTIS. That was another Shawnee patent?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. What Indian did that refer to?

Mr. GRAHAM. Billie Panther.

Senator CURTIS. Were you trying to buy that?

Mr. GRAHAM. No, sir.

Senator CURTIS. What was your interest in it?

Mr. GRAHAM. I had an account against Billie.

Senator CURTIS. Here is a telegram dated August 26, 1907: "Dan and Sally recorded; dated 25th; take action." Who are Dan and Sally?

Mr. GRAHAM. They are Shawnee patents.

Senator CURTIS. Who were the Indians?

Mr. GRAHAM. Dan Dirk and Sallie Tyner.

Senator CURTIS. Had you any interest in those?

Mr. GRAHAM. I have accounts against them.

Senator CURTIS. Were you buying it?

Mr. GRAHAM. No, sir; I was not.

Senator CURTIS. When did you and Benton first agree upon this little code between yourselves?

Mr. GRAHAM. I wrote him sometimes and asked him—

Senator CURTIS. If he could fix it so that you would understand it?

Mr. GRAHAM. Yes, sir.

Senator CURTIS. Here is a telegram on October 21: "Billy leaves for Shawnee to-day. Original held good." What does that mean?

Mr. GRAHAM. That was the same one—Billy Panther.

Senator CURTIS. What does "Original held good" mean? Did that mean original patent or original allotment?

Mr. GRAHAM. Original patent, I suppose.

Senator CURTIS. Were you trying to buy that?

Mr. GRAHAM. No, sir; I wanted to secure an account.

Senator CURTIS. State to the committee whether or not any of your clerks had any information as to whether those patents were coming or not.

Mr. GRAHAM. I do not know.

Senator CURTIS. A young man testified here yesterday that he secured information from one of your clerks about the issuance of a patent. Is it customary for your clerks to give out secret information that comes to your business house?

Mr. GRAHAM. No, sir.

Mr. EMBRY. Here is a check dated July 7, 1904, payable to the order of M. J. Bentley for \$116 on the First National Bank, Shawnee, Oklahoma Territory, signed by Conklin, Grimm & Co., by George F. Graham. What was that given to Mr. Bentley for?

Mr. GRAHAM. Commission on collections.

Mr. EMBRY. What collections?

Mr. GRAHAM. Some Indians that were in Monclova.

Mr. EMBRY. Here is a check dated July 16, 1904, to the order of M. J. Bentley for \$100, signed by Conklin, Grimm & Co., by George F. Graham. What was that for?

Mr. GRAHAM. That was for the same thing.

Mr. EMBRY. Here is one dated September 9, 1904, for \$76.15; and another of March 11, 1904, for \$235.65; and another of July 7, 1904, for \$135.75; and another of August 17, 1906, for \$100. Were any of those given for the collection of accounts against Much-e-nenne?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. Much-e-nenne lives in Oklahoma, does he?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. He has lived here all the time, has he?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. What was this \$100 given for on August 17, 1906?

Mr. GRAHAM. Commission on collections.

Mr. EMBRY. Where were you at that time?

Mr. GRAHAM. I was here.

Mr. EMBRY. You had just returned from Mexico, had you?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. What commission was this for?

Mr. GRAHAM. I do not just remember the Indian.

Mr. EMBRY. It was for the collection on matters while you were in Mexico in 1906, was it not?

Mr. GRAHAM. Possibly, part of it; I think possibly part of it was for collections made after I was there and possibly some before, I am not certain.

Mr. EMBRY. And your arrangements still being with Mr. Bentley to pay him a commission of 15 per cent on those collections?

Mr. GRAHAM. Yes, sir.

Mr. EMBRY. I will ask you if in the Quo-to-quah collection, even where the Department had approved the bill, Mr. Bentley did not demand his commission and you did not pay it.

Mr. GRAHAM. I paid it and made the check to Joe Clark.

The CHAIRMAN. That is already in the record. We put it in yesterday.

Mr. BENTLEY. This matter of 15 per cent is really a thing of the past, is it not? There have been no collections made and nothing paid by you for some considerable time. You consider it closed, do you not?

Mr. GRAHAM. It has been something like a year, I think, since I have paid any.

Mr. BENTLEY. I will ask you to state if there were not a great many collections made for you that I have never charged you anything for.

Mr. GRAHAM. Possibly there were some.

Mr. BENTLEY. Please state if it is not a further fact that frequently where there was a bunch of accounts I paid it out of my own money and took the chance of collecting it.

Mr. GRAHAM. Some small accounts, I think, you paid me; yes, sir.

Mr. BENTLEY. That was in order to close up your books and get rid of that class of accounts?

Mr. GRAHAM. Yes, sir.

The CHAIRMAN. These transactions were after Mr. Bentley ceased to be agent, were they not?

Mr. GRAHAM. Yes, sir.

The CHAIRMAN. Was it satisfactory to you at that time?

Mr. GRAHAM. Yes, sir; it was better for me to pay a commission to collect those accounts.

The CHAIRMAN. You could not very well do it yourself, could you?

Mr. GRAHAM. As to those in Mexico I could not.

The CHAIRMAN. You made this arrangement and agreed to do it, did you not?

Mr. GRAHAM. I did not; my partner did.

The CHAIRMAN. That is the same thing, is it not?

Mr. GRAHAM. Yes, sir.

The CHAIRMAN. You did not pay any commission except on debts collected, did you?

Mr. GRAHAM. No, sir.

Senator CURTIS. Did you ever pay him any commission while he was agent?

Mr. GRAHAM. No, sir; I did not know him while he was agent.

Mr. EMBRY. You say your partner made the contract. Which partner?

Mr. GRAHAM. Mr. Grimm, I think.

Mr. EMBRY. Do you know whether Mr. Grimm paid him a commission on the same kind of work?

Mr. GRAHAM. Nothing but what was paid here, as far as I know.

Mr. BENTLEY. As a matter of fact, do you know that the original agreement in regard to commissions was never made with me at all? I will ask you if you do not recollect that it was made through Mr. Clark and Mr. Maxey, and the first commissions that you paid were paid entirely outside of any understanding with me at all.

Mr. GRAHAM. I never knew about that; I knew that he made an arrangement with some one, and I think Mr. Maxey was interested in it to start with.

Mr. EMBRY. As a matter of fact, Mr. Graham, where one has to pay commissions like that for collecting an account it makes it necessary sometimes to charge a greater rate for the goods, does it not?

Did you not testify that you sold goods at a profit of from 35 to 40 per cent?

Mr. GRAHAM. Yes, sir.

The witness was thereupon excused.

JOSEPH CLARK, having been first duly sworn, testified as follows:

Senator CURTIS. What is your name?

Mr. CLARK. Joseph Clark.

Senator CURTIS. Where do you live?

Mr. CLARK. In Shawnee, Okla.

Senator CURTIS. How long have you lived here?

Mr. CLARK. Fifteen years.

Senator CURTIS. Do you know Martin J. Bentley?

Mr. CLARK. I think so.

Senator CURTIS. How long have you known him?

Mr. CLARK. Probably fifteen years.

Senator CURTIS. What has been your business during the past fifteen years principally?

Mr. CLARK. For the last twelve years I worked with the Indians here.

Senator CURTIS. What Indians?

Mr. CLARK. The Kickapoos.

Senator CURTIS. Do you know the band of Indians known as the Kicking Kickapoos?

Mr. CLARK. Yes, sir.

Senator CURTIS. Have you worked with them?

Mr. CLARK. They are the ones.

Senator CURTIS. When you worked with them in what capacity were you employed?

Mr. CLARK. The first work I did I was drilling wells for them, and probably eighteen months later I was employed as an additional farmer.

Senator CURTIS. Were you employed or working with those Kickapoo Indians when Mr. Bentley was agent?

Mr. CLARK. Yes, sir.

Senator CURTIS. In what capacity?

Mr. CLARK. I was farmer.

Senator CURTIS. I will ask you to state if during that time you had any combination or entered into any combination of any kind or character with Mr. Bentley with reference to Indian property.

Mr. CLARK. No, sir; I think not.

Senator CURTIS. When did you stop working as a farmer?

Mr. CLARK. I quit work the 1st of July, 1902.

Senator CURTIS. After that what did you do?

Mr. CLARK. I bought lands for Mr. Maxey—Indian lands.

Senator CURTIS. Who was your partner?

Mr. CLARK. Mr. Bentley.

Senator CURTIS. When did you and Mr. Bentley enter into partnership?

Mr. CLARK. About that time.

Senator CURTIS. That was after his term as agent had expired and after you went out as farmer?

Mr. CLARK. Yes, sir.

Senator CURTIS. You bought Indian land together?

Mr. CLARK. Yes, sir.

Senator CURTIS. What kind of land? Any kind of land you could buy in Pottowatomie, Shawnee, or Kickapoo?

Mr. CLARK. We bought Shawnee and Kickapoo.

Senator CURTIS. You were in the general real estate business, were you not?

Mr. CLARK. Yes, sir; but my work was confined to those two tribes.

Senator CURTIS. If you had had a chance to have bought some from some other Indians you would have bought it, would you not?

Mr. CLARK. Probably so. Yes, sir.

Senator CURTIS. What was the nature of your partnership?

Mr. CLARK. The land that we bought from the Kickapoos was bought under a sealed bid.

Senator CURTIS. At Government sale?

Mr. CLARK. Yes, sir; at Government sale. Of course this contract I made with Mr. Maxey himself. I was to have 25 per cent of the profits, and the land that we bought from the Shawnees we bought just as we could buy from the Indians.

Senator CURTIS. Just as you had restrictions removed?

Mr. CLARK. No, sir; we did not have to buy it under sealed bids.

Senator CURTIS. That is, they were permitted by act of Congress to sell part of their allotments?

Mr. CLARK. Yes, sir; it was appraised by the Government appraiser, and we had to pay the Government appraisement.

Senator CURTIS. What was your commission on that?

Mr. CLARK. Fifty per cent of the profits.

Senator CURTIS. Who shared those profits with you?

Mr. CLARK. Mr. Bentley.

Senator CURTIS. Both the Kickapoo and the other?

Mr. CLARK. Yes, sir; we were equal partners in all Indian transactions.

Senator CURTIS. And you made the contract yourself?

Mr. CLARK. I made the contract with the Kickapoos, and we both made the contract on the other.

Senator CURTIS. If Mr. Maxey bought property and did not make anything, your commission was nothing?

Mr. CLARK. I did not get anything; no, sir.

Senator CURTIS. How long were you and he partners?

Mr. CLARK. We were partners until about two years ago.

Senator CURTIS. When did you first hear of the Kickapoos going to Mexico?

Mr. CLARK. It has been talked of here since I was with them working.

Senator CURTIS. Who talked about it?

Mr. CLARK. The Indians talked it, and Mr. Bentley some.

Senator CURTIS. I will ask you to state if it is not a fact that some of the Kickapoos were in the habit of going to Mexico and have been ever since you have been acquainted with them?

Mr. CLARK. Hardly that long.

Senator CURTIS. From what you have heard them say, do you not know that some of them were down there as long as thirty years ago?

Mr. CLARK. Oh, yes, sir; part of the tribe.

Senator CURTIS. Some of the Indians who have been down there this last time were there thirty years ago, were they not?

Mr. CLARK. Yes, sir; quite a number of them.

Senator CURTIS. You know that some of those Kickapoo Indians were born there, do you not?

Mr. CLARK. That is what they told me; I do not know it.

Senator CURTIS. State what you heard the Indians say about going to Mexico; not in detail, but briefly.

Mr. CLARK. It was principally the old fellows who wanted to go away where they could live under their old customs and under their tribal laws.

Senator CURTIS. They wanted to live in the old way and have a tribal form of government and have their land in common for a reservation; that is the way you understood it, is it?

Mr. CLARK. Yes, sir.

Senator CURTIS. You say they have been talking that ever since you have known them?

Mr. CLARK. To some extent; yes, sir.

Senator CURTIS. What, if anything, did you hear Mr. Bentley say about taking those Indians to Mexico or what assistance he had given them?

Mr. CLARK. I can not say that he ever gave them any great assistance. Of course he said they wanted to go, and it was only a question of time before they would go. Mr. Bentley said that, and of course I have heard him tell them to go ahead and fence their land here and put it in cultivation.

Senator CURTIS. Is it not a fact that while you were farmer and Mr. Bentley was agent that a number of those Kickapoos raised produce and brought it into town to sell nearly every day?

Mr. CLARK. Surely; yes, sir.

Senator CURTIS. Are they doing anything of that kind now?

Mr. CLARK. I do not know; I am not keeping track of that business now.

Senator CURTIS. You keep your eye out on the Indian, do you not?

Mr. CLARK. Well, a little; yes, sir.

Senator CURTIS. State what Mr. Bentley ever said to you about taking those Indians, and whether he was going with them or not.

Mr. CLARK. Yes, sir; he spoke to me about it shortly after that; that was why we were buying the land. He said that those Indians were going to Mexico, and he said he wanted me to assist them. That was after I had quit the Government service, and he wanted me to assist him, and he said "If you will go ahead and assist me—I can not do this by myself—we will be equal partners and share the profits equally."

Senator CURTIS. What did he say the profits would be?

Mr. CLARK. He said he would have the restrictions removed; that he would go to Washington and have the restrictions removed and that those Indians who were selling the land were getting a good deal of money, and he said "We can borrow this money and buy land and buy them a place in Mexico and make a legitimate profit out of it." I told him it was all right; that I could not see anything wrong in that and I would assist him.

Senator CURTIS. Did you go to Mexico with him?

Mr. CLARK. I think I went to Mexico on my first trip in June, 1904.



Senator CURTIS. Who were you with at that time, Bentley?

Mr. CLARK. Yes, sir.

Senator CURTIS. Did you take any Indians with you?

Mr. CLARK. Not that trip; no, sir.

Senator CURTIS. What did you do?

Mr. CLARK. We went to Muzquiz and went out to the camp and rigged up an outfit and went to look at a place known as the Blocker ranch.

Senator CURTIS. What place did you go to?

Mr. CLARK. The Kickapoo ranch.

Senator CURTIS. Were there some Kickapoos there?

Mr. CLARK. No, sir; they were not at Nacimientos; they had had some trouble.

Senator CURTIS. They were Oklahoma Kickapoos there?

Mr. CLARK. Yes, sir.

Senator CURTIS. You went out to their camp, did you?

Mr. CLARK. Yes, sir.

Senator CURTIS. What leading Indians were there then?

Mr. CLARK. There must have been a hundred of them there; I could not tell you all now.

Senator CURTIS. What leading Indians?

Mr. CLARK. There were Kishkinequo and Okemah and Wahpahchequa.

Senator CURTIS. What did you do about looking up a place?

Mr. CLARK. We rigged up an outfit and went to look at the Blocker ranch. We were gone about two weeks.

Senator CURTIS. How big a ranch is the Blocker ranch?

Mr. CLARK. My understanding is that there are about 250,000 acres in it.

Senator CURTIS. Did you have any negotiations with Blocker about buying it?

Mr. CLARK. I never saw Blocker.

Senator CURTIS. Did Mr. Bentley?

Mr. CLARK. I think he had a talk with Mr. Blocker; he said he did.

Senator CURTIS. You did not buy that ranch?

Mr. CLARK. No, sir.

Senator CURTIS. Why did you not buy it?

Mr. CLARK. Mr. Bentley said it was out of the question; we could not buy it because they wanted too much money for it.

Senator CURTIS. State what next you did.

Mr. CLARK. I came home.

Senator CURTIS. Did you talk with the Indians there about Mexico or buying a ranch?

Mr. CLARK. No, sir; I think not, on that trip.

Senator CURTIS. When did you next go there?

Mr. CLARK. I think it was in May the year following, probably about the 10th of May.

Senator CURTIS. What year was that—1903?

Mr. CLARK. 1905.

Senator CURTIS. Who went with you then?

Mr. CLARK. I do not remember whether Mr. Bentley went that trip or not; I think there was an Indian or two that went with me; probably two or three.

Senator CURTIS. Do you remember who they were?

Mr. CLARK. There was an Indian woman, and I do not remember whether she had one or two children; it was a Kickapoo.

Senator CURTIS. Where did she go?

Mr. CLARK. To Muzquiz.

Senator CURTIS. Where did you go?

Mr. CLARK. To Muzquiz.

Senator CURTIS. What did you do down there?

Mr. CLARK. It is pretty hard for me to remember these things that happened so far back.

Senator CURTIS. Did you try to buy any land for the Indians—did you look at any ranches?

Mr. CLARK. That trip was made in May.

Senator CURTIS. The last trip?

Mr. CLARK. Yes, sir; I came out from Muzquiz when Mr. Bentley came down, and I made a trip into the Big Bend country, in the southern part of Texas, looking for some land there. I could not find anything there that was suitable, and I went back to Muzquiz.

Senator CURTIS. What were those Indians doing at Muzquiz?

Mr. CLARK. They were not doing anything; they were out there camped on a piece of ground that I think was in charge of Mr. Galan. He had given permission to them.

Senator CURTIS. Had they raised any wheat or corn there?

Mr. CLARK. No, sir; not any.

Senator CURTIS. They were just living by hunting and fishing?

Mr. CLARK. Yes, sir; that is all.

Senator CURTIS. What did you do, and when you came back what did you do?

Mr. CLARK. I came home and went back, I think, about the last days of July of the same year.

Senator CURTIS. That was 1905?

Mr. CLARK. Yes, sir; when I got back there about two days after that Mr. Dickson came.

Senator CURTIS. The United States inspector?

Mr. CLARK. Yes, sir.

Senator CURTIS. What occurred?

Mr. CLARK. He was there for two weeks. I left him there.

Senator CURTIS. Did you help him any in his investigation?

Mr. CLARK. No, sir; I think not.

Senator CURTIS. Did you try to do anything while he was there?

Mr. CLARK. No, sir.

Senator CURTIS. Did you look at any ranches of any kind?

Mr. CLARK. No, sir.

Senator CURTIS. You came away, did you?

Mr. CLARK. I came away while he was there.

Senator CURTIS. When did you next go there?

Mr. CLARK. It was about the first days of October of the same year, 1905.

Senator CURTIS. Who went with you at that time?

Mr. CLARK. Mr. Bentley.

Senator CURTIS. Where did you go?

Mr. CLARK. We went to Muzquiz.

Senator CURTIS. What did you do?

Mr. CLARK. We stayed there two or three days. I stayed there nearly a month. Mr. Bentley stayed there, I think, one or two nights. We had shipped some wagons there—a couple of wagons—about ten days before we started on that trip, that we were calculating to rig up, and we were going to take quite a number of Indians and look at a ranch 150 miles west of that.

Senator CURTIS. Did you do it?

Mr. CLARK. No, sir; Mr. Bentley, when we got back, changed his mind for some cause or other; when he left the camp he said he would be back in about three days; he said he was going over to Eagle Pass to see if those wagons had come, and if so he would ship them back and come right back himself. He left and I did not hear from him for nearly a month; in fact, I stayed there and the Indians kind of got uneasy and insisted on my hunting him up, and I came back to Shawnee and inquired of Mr. Ives where he was, and he said he could not tell me; that when he left there he said he was going to Oklahoma City and from there to Kansas City, and he told him he had never started out on a trip when he knew as little what he was going to do as on this one. I went back to the Indian camp at Muzquiz and I told them what Mr. Ives had told me; that he thought probably he would go to Washington to see if he could get the patent issued for the land for those seven allotments.

Senator CURTIS. The seven allotments of 1905?

Mr. CLARK. Yes, sir; and some land among that that he claimed was tied up that he wanted to turn loose. I went back to Muzquiz and told the Indians that I thought he was. Bentley came down in, I think, probably ten days after I got there.

Senator CURTIS. What happened after he came there?

Mr. CLARK. I do not remember.

Senator CURTIS. Did you folks look at any other land?

Mr. CLARK. We looked at a ranch before I left. It was a ranch known as the Alezondo.

Senator CURTIS. Did you buy that ranch?

Mr. CLARK. No, sir; we did not buy it; the Indians wanted to buy that land and went and looked at it.

Senator CURTIS. Why did you not buy it?

Mr. CLARK. Mr. Bentley thought it was a little too much for it. They asked \$75,000 for the ranch and we went and looked at it twice; after Mr. Bentley came down we went and looked at it, and they finally came down to \$65,000 and the Indians insisted on buying the ranch, and Mr. Bentley for some reason did not think it was worth that much money and so we came home.

Senator CURTIS. Did you afterwards go with him to look at the San Francisco ranch?

Mr. CLARK. No, sir.

Senator CURTIS. Do you know anything about the buying of that ranch?

Mr. CLARK. No, sir.

Senator CURTIS. Do you know anything about the buying of any ranch?

Mr. CLARK. No, sir.

Senator CURTIS. Why did you not go down any more?

Mr. CLARK. Well, Mr. Bentley and I had a disagreement.

Senator CURTIS. A disagreement about the Indian affairs?

Mr. CLARK. Yes, sir.

Senator CURTIS. What was the disagreement?

Mr. CLARK. The Indians had become dissatisfied and were losing confidence in Mr. Bentley, and urging me to buy a place, and I crowded the matter a little and Mr. Bentley took exception to it.

Senator CURTIS. What did he say?

Mr. CLARK. I did not feel like continuing the partnership business any longer; it was not satisfactory.

Senator CURTIS. What did he say, if anything, about the Indians or buying land for them; did he say that he did not or did intend to buy it?

Mr. CLARK. His object seemed then to lease some land; he wanted to lease a piece of land there. He talked about leasing the San Francisco ranch, the piece of land close to it, and that was not satisfactory to the Indians.

Senator CURTIS. Anyhow, you got tired and gave up the business?

Mr. CLARK. I did not exactly get tired of it; no, sir.

Senator CURTIS. You quit, anyhow?

Mr. CLARK. Yes, sir; I quit.

Senator CURTIS. Did you have any other reason except that you have stated for quitting?

Mr. CLARK. I had been working with Mr. Bentley for two and one-half or three years, and we were equal partners in a financial way, but I had never been able to get a settlement out of him. I had spent all the money I had, and I wanted a settlement made, and he was not able to give it, and I told him unless he could fix things up in proper shape I would not work with him.

Senator CURTIS. Have you ever had a settlement with him?

Mr. CLARK. No, sir.

Senator CURTIS. Has he ever paid you?

Mr. CLARK. I do not know.

Senator CURTIS. How much do you claim he owes you?

Mr. CLARK. I do not know that; I never had a settlement.

Senator CURTIS. It is an unsettled account, is it?

Mr. CLARK. Yes, sir.

Senator CURTIS. You heard this young man, Mr. Graham, testify here this morning?

Mr. CLARK. Yes, sir.

Senator CURTIS. Did you make that contract with Graham, or did Mr. Bentley?

Mr. CLARK. Neither one of us.

Senator CURTIS. Who did make it?

Mr. CLARK. Mr. Maxey made that contract when Mr. Bentley was away in the Creek Nation.

The CHAIRMAN. Maxey is a banker here in this city, is he?

Mr. CLARK. Yes, sir; Mr. Graham had a little difficulty in collecting his Kickapoo Indian accounts. He knew they were trying to go to Mexico, and Mr. Graham communicated with Maxey and told Maxey, "If you allow me to collect these accounts, I will give you 15 per cent of the amount." Mr. Maxey came to me and said, "Clark, these Indians will have to pay these debts over here." He said, "Graham has offered to pay 15 per cent commission to have them collected;" he said "if you will let him come to your office"—we had an

office over the bank at that time—"and collect the accounts, I will cut them in two with you."

Senator CURTIS. That is, Maxey was to have  $7\frac{1}{2}$  per cent?

Mr. CLARK. Yes, sir; and I was to have  $7\frac{1}{2}$  per cent.

Senator CURTIS. Do you mean yourself or Bentley?

Mr. CLARK. Me and Bentley; Bentley and I were partners, and of course whatever I did Mr. Bentley was a partner to it.

Senator CURTIS. Did you make any collections?

Mr. CLARK. I think probably in two or three days after that. It was with this understanding: I said, "Mr. Maxey, if an Indian comes to me and admits that he is owing me this amount of money, I would not object to his collecting it." I think two or three days after that Mack Johnson, his wife, and daughter-in-law had sold some land and had collected \$2,300 or \$2,400, and they came up in the office and Philip Grimm came up. They collected something over \$400. Philip paid the commission to Judge Maxey and Judge Maxey gave me my part of it.

Senator CURTIS. That is,  $7\frac{1}{2}$  per cent?

Mr. CLARK. Yes, sir; about \$31 was my part. When Mr. Bentley came back from the Creek Nation I paid him one-half of the money and told him I had got it. He said that was all right and took his part out.

Senator CURTIS. Neither of you were then in the Government employ?

Mr. CLARK. No, sir. I think to the best of my recollection now that must have been some time along in October, 1903. I told him Mr. Maxey was getting half of it and he gave me half, and I was giving him half of what I got, which was one-fourth. I think there had been some more collections made after that and Mr. Bentley said to me one day: "Clark, Maxey has not got any influence with these Indians and he is not entitled to any of that money, and after the 1st of January I will tell George not to pay him any more commission, and we can get it ourselves," and I think that arrangement was made after the 1st of January.

Senator CURTIS. That was satisfactory to you, was it?

Mr. CLARK. I did not have any kick coming; no, sir.

Senator CURTIS. State to the committee if, at any time during your service for the Government under Mr. Bentley, you ever heard him say anything to the Indians about going to Mexico.

Mr. CLARK. Yes, sir; I think I have.

Senator CURTIS. What did he say to them?

Mr. CLARK. I think he encouraged them to go ahead and fence their land and get it in shape, and that after a while if they got in proper shape they would be able to go to Mexico.

Senator CURTIS. He told them they would have to get in shape first?

Mr. CLARK. Yes, sir.

Senator CURTIS. Have you heard him since that time urge any Indians to go to Mexico against their will?

Mr. CLARK. I do not know that he has, against their will.

Senator CURTIS. Well, has he encouraged them to go?

Mr. CLARK. I think that is part of his business.

Senator CURTIS. State what you have known him to do. Has he gone from Indian camp to Indian camp, or from Indian to Indian and urged them to go?

Mr. CLARK. I do not know about that; Mr. Bentley and I were appointed immigration agents for the M., K. and T. Railroad, and we made it a business—if he was not here I would do it; at that time we had to ride them out over the Rock Island and Mexican International, and we had to put them out of the trains at 2 o'clock in the morning, and one of us had to be with them to check their baggage, and we would check them out over the Rock Island——

Senator CURTIS. While you and Bentley were immigration agents did you try to get Indians to go to Mexico?

Mr. CLARK. Yes, sir; of course we talked to them about it.

Senator CURTIS. And tried to ship them over your line of road?

Mr. CLARK. Yes, sir; certainly.

Senator CURTIS. Was that before they were going down there to stay; before they had sold their land?

Mr. CLARK. They had been going down there for some time, that was quite a while. Okema went, I think, about six years ago.

Senator CURTIS. When was the first time you heard Bentley say anything about taking charge of their land in Oklahoma and trading it and buying land for them in Mexico, before or after the seven restrictions were removed in 1905?

Mr. CLARK. That was in 1903, along in the latter part of that year, I think.

Senator CURTIS. That was the first you heard of it?

Mr. CLARK. Yes, sir.

Senator CURTIS. Then you heard him talking to them before the restrictions were removed?

Mr. CLARK. Yes, sir.

Senator CURTIS. I wish you would state to the committee if you were down in Mexico in May, June, July, and August, 1906, or any of those months?

Mr. CLARK. I think it was the 24th of May, 1906, that I left here and I arrived in Muzquiz, I believe, on the 27th.

Senator CURTIS. Who did you go with?

Mr. CLARK. With Mr. Sweeney.

Senator CURTIS. Where was Mr. Sweeney?

Mr. CLARK. Mr. Sweeney left the day before I did and stopped at Denison, one day, and I overtook him there and we went from there on.

Senator CURTIS. Did you go on your own hook?

Mr. CLARK. Yes, sir; on my own hook.

Senator CURTIS. What was your object in going?

Mr. CLARK. I was taking a wild goose chase, I reckon.

Senator CURTIS. Had you any idea that they were going to be able to sell their land?

Mr. CLARK. Yes, sir.

Senator CURTIS. That was what induced you to go; you thought you could go there and get some land?

Mr. CLARK. Yes, sir.

Senator CURTIS. When you arrived there what Americans did you find on the ground or at the camp?

Mr. CLARK. When I arrived at Muzquiz I found Mr. Russell Johnston.

Senator CURTIS. A banker here in town?

Mr. CLARK. Yes, sir; and Tack Grimes and a man by the name of Beatty.

Senator CURTIS. They call him Doctor, do they not?

Mr. CLARK. Yes, sir; "Doc," and Mrs. Bentley was there. I do not believe I saw any more white men there that day.

Senator CURTIS. Were you out at the camp?

Mr. CLARK. I went out to the camp that evening.

Senator CURTIS. Did anything occur while you were there?

Mr. CLARK. No, sir.

Senator CURTIS. Where did you stay—in camp or up in Muzquiz?

Mr. CLARK. I stayed in the camp, at Kishkinequote's camp, that night.

Senator CURTIS. Did Mr. Bentley try to make the white men leave there that night?

Mr. CLARK. No, sir; Mr. Bentley and I went out together.

Senator CURTIS. What did these men say they were there for?

Mr. CLARK. I did not see any of them there.

Senator CURTIS. Oh, you saw them in Muzquiz; I understood you to say you met them at the camp.

Mr. CLARK. I do not think there were any of them at the camp that night.

Senator CURTIS. When did you see any of them at the camp, and who did you see?

Mr. CLARK. I went back to Muzquiz the next day, and as I was going into Muzquiz I met a load of them going out to the camp.

Senator CURTIS. Who was in that load?

Mr. CLARK. Al. Brown was in the wagon and I think Cal. Moore and Russell Johnston; I do not remember whether there were any more; I think there were four of them in a two-seated rig.

Senator CURTIS. Did you talk to them about what they were doing?

Mr. CLARK. No, sir; they went out to camp, and I came to Muzquiz.

Senator CURTIS. They did not tell you why they were going, did they?

Mr. CLARK. No, sir.

Senator CURTIS. Who did you see in town—of the white men? Did you see Doctor Conine?

Mr. CLARK. I do not think I got acquainted with him.

Senator CURTIS. Did you see L. C. Grimes?

Mr. CLARK. Yes, sir. I saw him the next trip I went to the camp. I went back to camp that evening.

Senator CURTIS. Who did you see there that time?

Mr. CLARK. I saw Grimes and Cal Moore. They were there that night.

Senator CURTIS. What occurred, if anything, that night?

Mr. CLARK. Nothing.

Senator CURTIS. When did you next see them?

Mr. CLARK. I stayed at camp that night and all the next day. The Indians had been out on a hunt and had killed a deer and had a dance the next day. I think that was the third day.

Senator CURTIS. Was Mr. Bentley there then?

Mr. CLARK. He was at the camp that day—yes, sir.

Senator CURTIS. Was anything said to any of the Indians about selling their lands by any of the parties?

Mr. CLARK. No, sir; not in my presence.

Senator CURTIS. Did the white men tell you why they were there?

Mr. CLARK. I knew what they were there for.

Senator CURTIS. Did they tell you?

Mr. CLARK. Yes, sir. They told me they were there to buy land.

Senator CURTIS. Who was there at the dance?

Mr. CLARK. That was the evening the officers were sent out and the white men were all ordered out of the camp.

Senator CURTIS. Was Mr. Thackery there that night?

Mr. CLARK. He was there that evening.

Senator CURTIS. Was George Outcalt there?

Mr. CLARK. Yes, sir.

Senator CURTIS. They were both there that night?

Mr. CLARK. Yes, sir.

Senator CURTIS. That was the evening of the dance, was it?

Mr. CLARK. Yes, sir.

Senator CURTIS. Where was this dance held?

Mr. CLARK. At the Kickapoo ground, at the camp.

Senator CURTIS. Were those white men taking any part in it or just watching?

Mr. CLARK. Just watching.

Senator CURTIS. Had the Indians been drinking any?

Mr. CLARK. I do not think they had been drinking any unusual amount. They usually drink a good deal at a dance.

Senator CURTIS. State what occurred when the white men were ordered from the camp. Were you among them?

Mr. CLARK. I took it for granted I was with them. I was a white man, and I pulled out.

Senator CURTIS. When did you go back to the camp again?

Mr. CLARK. I did not go back for fifteen days.

Senator CURTIS. What did you do in the meantime?

Mr. CLARK. I was there at Muzquiz.

Senator CURTIS. Did you have any talks with Grimes or Outcalt or any of those people?

Mr. CLARK. Yes, sir; I had some talks with them.

Senator CURTIS. What did Grimes have to say?

Mr. CLARK. They were kind of confused; they did not know what to do. I think Russell Johnston had gone back to Eagle Pass, and Grimes and Brown still stayed there. They had got acquainted with this man Conine. He spoke pretty good Spanish and English. I do not know what the manipulations were, but anyway they got permission from the officers to go back to camp.

Senator CURTIS. Did they tell you how they worked it—any of them?

Mr. CLARK. No, sir.

Senator CURTIS. Did anybody tell you how they worked it?

Mr. CLARK. Well—

Senator CURTIS. You know they told you how they did it. Now, how did they do it? We want all the facts here. Tell it right out.



Mr. CLARK. Mr. Grimes told me that they had agreed with Guajardo to give him \$75 for every 80 that they bought from the Indians.

Senator CURTIS. You mean Mr. L. C. Grimes, the man sitting there [indicating]?

Mr. CLARK. Yes, sir.

Senator CURTIS. He told you that they had agreed to give Guajardo \$75?

Mr. CLARK. Yes, sir.

Senator CURTIS. That probably accounts for that great bulk of Mexican dollars that they wanted sent down there about the time the deeds were made.

Mr. CLARK. I do not know anything about the Mexican dollars.

Senator CURTIS. We have proven that already. Who else talked to you about it—about what they had done or had agreed to do?

Mr. CLARK. I do not know what they had agreed to do.

Senator CURTIS. What did they tell you they had agreed to do? Did Al. Brown or Cal. Moore or Conine tell you anything other than what Grimes had told you?

Mr. CLARK. They went into the camp.

Senator CURTIS. After that they went into camp?

Mr. CLARK. Yes, sir.

Senator CURTIS. And they were not disturbed?

Mr. CLARK. Not that I know of; no, sir.

Senator CURTIS. State if you saw them bring any Indians in town after that—this Grimes crowd.

Mr. CLARK. Yes, sir; they brought Indians into town. I think they took them to Eagle Pass.

Senator CURTIS. Did they have any of them around town? Were any drunk around there?

Mr. CLARK. Indians were in town every day.

Senator CURTIS. Were they drunk?

Mr. CLARK. Some of them were; yes, sir.

Senator CURTIS. Did you see any drunken girls around the hotel?

Mr. CLARK. Yes, sir; I think I noticed some.

Senator CURTIS. In whose rooms were they?

Mr. CLARK. The Indians had rooms over the saloon.

Senator CURTIS. Was there not a big room there under the control of Chapman and Grimes where they let the Indians come every day?

Mr. CLARK. I can not say that it was under the control of Chapman and Grimes, but it was a kind of headquarters for the Indians.

Senator CURTIS. And Grimes and those men were around there?

Mr. CLARK. Yes, sir.

Senator CURTIS. You heard one of them swear the other day that they had a big room and that the Indians came in there.

Mr. CLARK. I have not been in here all the time.

Senator CURTIS. Did you not hear one of them swear that they had a big room there, a corner room, and the Indians came in?

Mr. CLARK. I think so.

Senator CURTIS. Did you see them in that room—the girls?

Mr. CLARK. Yes, sir; I saw them up there.

Senator CURTIS. Were any of them drunk?

Mr. CLARK. I do not remember now whether they were or not. They were around there a good deal and would get kind of noisy, the girls would.

Senator CURTIS. Did you see them downstairs in any of the rooms—two of them? You know Rachel Kirk?

Mr. CLARK. Yes, sir; I know her well.

Senator CURTIS. Did you see her there?

Mr. CLARK. Yes, sir.

Senator CURTIS. And another girl?

Mr. CLARK. Yes, sir; two or three of them.

Senator CURTIS. Did you see them there drunk?

Mr. CLARK. Yes, sir; I saw them drinking.

Senator CURTIS. Who was with them—what white men? Was L. C. Grimes there?

Mr. CLARK. I could not say.

Senator CURTIS. Tell it right out now.

Mr. CLARK. Yes, sir; I have a good deal of regard for my oath and I want to be careful about it. I could not state as a truth—

Senator CURTIS. I want you to tell the truth. Were there white men there drunk with them?

Mr. CLARK. I could not say that.

Senator CURTIS. Were there white men there when they were drinking?

Mr. CLARK. Yes, sir; in the saloons.

Senator CURTIS. Did you see Rachel Kirk taken out of that saloon on any day?

Mr. CLARK. No, sir; I can not say that I did. I remember that day; I will tell you; I was on the plaza in company with a man most of my time there whose name was Noble.

Senator CURTIS. Was he a resident of Muzquiz?

Mr. CLARK. He was a resident of San Antonio. He was claiming to own that Nacimiento ranch there. Mr. Noble and I were on the plaza and we saw quite a crowd around a carriage there and a drunken Indian woman. I do not know whether it was him that drew my attention to it or not, but I looked and saw the crowd—who they were I could not tell you.

Senator CURTIS. Do you not know that Mr. Grimes was one of them?

Mr. CLARK. I could not say.

Senator CURTIS. He was there, was he?

Mr. CLARK. Probably he was. There were Indians and Mexicans there. I think I saw Cal. Moore there.

Senator CURTIS. Do you remember any man lifting that woman up and putting her in the wagon?

Mr. CLARK. No, sir; I do not remember that.

Senator CURTIS. You did not see her get into the wagon?

Mr. CLARK. No, sir.

Senator CURTIS. She was drunk was she not?

Mr. CLARK. I think she was drunk; yes, sir.

Senator CURTIS. How many carriages were there there?

Mr. CLARK. I think a couple, maybe three; I do not know.

Senator CURTIS. How often did you see the Indians in town and up around this big room or on the street with this Grimes and Chapman crowd during the fifteen days you were up at Muzquiz when you did not get down to camp?

Mr. CLARK. There were some there most every day, I think.

Senator CURTIS. Later on were you permitted to go to the camp?

Mr. CLARK. It was pretty well along; it was the last of June, I think.

Senator CURTIS. What did you see out there then?

Mr. CLARK. I went out to camp a time or two; I went to see the Indians.

Senator CURTIS. Who was there when you got there?

Mr. CLARK. I generally found Cal. Moore or Grimes or some of those fellows out there at the camp.

Senator CURTIS. What was the condition of the Indians? Had they been drinking any?

Mr. CLARK. Sometimes some of them were drinking, and sometimes they were not.

Senator CURTIS. Did you see any of those Grimes-Chapman people take those Indians uptown at any time—up to Muzquiz—from the camp?

Mr. CLARK. I was at the camp when they took the first batch of Indians out to Eagle Pass.

Senator CURTIS. Who did they take out?

Mr. CLARK. I could not say; I think there may have been 12 or 15.

Senator CURTIS. What was the condition of those Indians that morning?

Mr. CLARK. I did not see anything wrong with them.

Senator CURTIS. They had been drinking, had they not?

Mr. CLARK. There were a couple of mescal joints there close to the camp.

Senator CURTIS. Who were out there, and who took them up?

Mr. CLARK. I think all of them—Conine, Grimes, and Brown.

Senator CURTIS. And a couple of policemen?

Mr. CLARK. Yes, sir; there were some policemen.

Senator CURTIS. Those policemen were armed, were they?

Mr. CLARK. They generally go armed.

Senator CURTIS. Was Doctor Conine armed?

Mr. CLARK. I do not know whether he was or not.

Senator CURTIS. Did you hear them say where the Indians had to go?

Mr. CLARK. I do not remember that.

Senator CURTIS. Did you see those policemen load those Indians into the wagon and take them uptown?

Mr. CLARK. I did not see any Indian forced to get into the rig.

Senator CURTIS. But you do know that they had the aid and assistance of the police?

Mr. CLARK. Somebody had them there. I do not know who.

Senator CURTIS. When they went off did the Indians go uptown with them?

Mr. CLARK. They took the Indians in carriages and went to Muzquiz, and that evening they loaded them into the carriage and took them down to the train.

Senator CURTIS. And the police went with them, did they not?

Mr. CLARK. I do not know.

Senator CURTIS. When they left the camp the policemen were with them, were they not?

Mr. CLARK. I do not remember that.

Senator CURTIS. When next did you see them—the white fellows?

Mr. CLARK. At Muzquiz that evening they took the Indians out.

Senator CURTIS. What was the condition of the Indians who went, when they took them to Muzquiz?

Mr. CLARK. I think some of them were probably drinking some.

Senator CURTIS. They were drunk, were they not?

Mr. CLARK. They had been drinking a little, probably.

Senator CURTIS. When did you next see Grimes—up at the camp or in Muzquiz with the Indians?

Mr. CLARK. I think I went back to the camp a day or two after that.

Senator CURTIS. What occurred then?

Mr. CLARK. Mr. Grimes probably went along with me, and I do not know but that Doctor Conine went. They said there were some more Indians who wanted to go and they went out for them, but they did not get them.

Senator CURTIS. Why.

Mr. CLARK. I do not know. They did not get any Indians, and Grimes stayed at the camp. I think this was Sunday morning, and I went back to Muzquiz that night, and Grimes stayed there until Tuesday, I think, and when he came in on Tuesday he brought Pah-pah-me-na-ko-the.

Senator CURTIS. What did he do with him?

Mr. CLARK. I think they went to Eagle Pass. They left that evening, I think.

Senator CURTIS. Was Pah-pah-me-na-ko-the drunk or sober?

Mr. CLARK. He was pretty well filled up when he left.

Senator CURTIS. Grimes was sober, was he?

Mr. CLARK. I think so, reasonably.

Senator CURTIS. Those white fellows usually kept sober, did they not—reasonably?

Mr. CLARK. Yes, sir.

Senator CURTIS. They let the Indians do all the drinking?

Mr. CLARK. Well, most of it, I guess.

Senator CURTIS. When did you next see them?

Mr. CLARK. I think it was a day or two when they came back from Barroteran. He did not get down to Eagle Pass with Pah-pah-me-na-ko-the.

Senator CURTIS. How did he lose him? Did he tell you?

Mr. CLARK. I think he met Mr. Bentley down there, and Mr. Bentley got him away from him.

Senator CURTIS. What did he say about it?

Mr. CLARK. He said he got the assistance of Ludlow, the man who runs that coal mine there, and got him in a caboose and kept him away from him. That is what Mr. Grimes told me. Of course, this is hearsay; I did not see that part.

Senator CURTIS. Mr. Grimes told you?

Mr. CLARK. Yes, sir.

Senator CURTIS. What did Grimes say? He is one of the interested parties here.

Mr. CLARK. That is what he told me.

Senator CURTIS. What other transactions did you see with the Indians?

Mr. CLARK. I think it was a few days after that that Mr. Grimes came in from camp and had Ah-kis-kuck and his wife with him. He took them to Eagle Pass.

Senator CURTIS. Did he say anything to you about it?

Mr. CLARK. No, sir.

Senator CURTIS. Had Ah-kis-kuck or his wife been drinking?

Mr. CLARK. No, sir; I did not see them drink anything.

Senator CURTIS. What else did you notice?

Mr. CLARK. I did not notice much more of the Indian transactions from that time on.

Senator CURTIS. Then you went to Eagle Pass, did you not?

Mr. CLARK. No, sir; I never went to Eagle Pass; I started home.

Senator CURTIS. Where did you go then?

Mr. CLARK. I stayed right there in Muzquiz. I made probably two or three more trips out to camp.

Senator CURTIS. What did you find out there?

Mr. CLARK. I was there at the request of Mr. Thackery to identify these Indians. There was some lease money to be paid them and he had left it in charge of Mr. Outcalt. He did not know the Indians and he requested me to stay there and identify them. That was what I was there for.

Senator CURTIS. What did the Indians say about wanting to sell their land?

Mr. CLARK. Some of them said they wanted to sell it for money and some wanted to trade it, and some wanted to go back to Oklahoma.

Senator CURTIS. There was a divided opinion, was there?

Mr. CLARK. They were divided up; yes, sir.

Senator CURTIS. Why did you not buy any land down there?

Mr. CLARK. There was no show to buy land.

Senator CURTIS. Why?

Mr. CLARK. There were two factions, and you had to get in with one or the other to make it any deal.

Senator CURTIS. You have told us what the Grimes faction did. Now, tell us what you saw the Bentley crowd do.

Mr. CLARK. Bentley had the situation in his hands there first.

Senator CURTIS. But there were no deeds being taken then?

Mr. CLARK. But they were expecting it.

Senator CURTIS. What did he do?

Mr. CLARK. He had the policemen put the white fellows out of the camp at one time.

Senator CURTIS. What else did he do?

Mr. CLARK. Of course, some of this is hearsay from the Indians. I was at the camp. The Indians came to the hotel there and said that Mr. Bentley had them corralled there at the camp and was trying to force them to sign some papers. There were two or three of them who came to the hotel, and Homer Anderson was the first man who said anything about it. He made that report to me that Bentley was there and was holding them under guard and had the papers there, and they did not know what they were, whether they were deeds or what, and he told them if they did not sign the papers he would march them to Muzquiz and put them in jail.

Senator CURTIS. He did not put them in jail, did he?

Mr. CLARK. I do not know as to that, but anyway there were quite a number who came out there and made the charges. Homer Anderson, Puck-e-shinno, and Ah-ten-y-tuck, and several of them made those charges; Ah-nes-shen-ne was one of the Chahkosot. I do not remember whether I heard any more of them make those charges or not.

Senator CURTIS. What else did you hear of Bentley doing?

Mr. CLARK. You mean when he first went down there?

Senator CURTIS. Or afterwards up to the time he was put in jail. Tell the committee all about it.

Mr. CLARK. After those policemen had got back to camp Mr. Bentley left Muzquiz and went down to Saltillo, I believe; that is what they told me. That is the capital of the State of Coahuila. I think he was gone some three or four days, and when he got back he was arrested and put in jail.

Senator CURTIS. Do you know who had him arrested?

Mr. CLARK. No, sir; I do not.

Senator CURTIS. What was said about it?

Mr. CLARK. The supposition was that those charges that the Indians preferred against him was the cause of his arrest.

Senator CURTIS. Do you know who signed them?

Mr. CLARK. The Indians signed them.

Senator CURTIS. Did Mr. Outcalt sign them?

Mr. CLARK. I do not know whether he did or not.

Senator CURTIS. Who witnessed their marks to the complaints?

Mr. CLARK. I did to some myself.

Senator CURTIS. And L. C. Grimes did, did he not?

Mr. CLARK. That is, the complaints that were made before me; I witnessed them.

Senator CURTIS. I mean before the court?

Mr. CLARK. I do not know anything about that.

Senator CURTIS. Mr. Outcalt's initials are G. A., are they not?

Mr. CLARK. Yes, sir.

Senator CURTIS. And Mr. Grimes's initials are L. C.?

Mr. CLARK. I think so.

Senator CURTIS. Then if his name appears as witness, of course he signed them?

Mr. CLARK. I would infer that he did.

Senator CURTIS. Did Mr. Outcalt say anything to you about the arrest of Mr. Bentley?

Mr. CLARK. Mr. Outcalt was not there when Mr. Bentley was arrested. He was in Eagle Pass, I think.

Senator CURTIS. You mean when he was taken in custody?

Mr. CLARK. Yes, sir.

Senator CURTIS. Did he not prepare a statement for Mack Johnson?

Mr. CLARK. I understand that Johnson made the statement to Outcalt himself.

Senator CURTIS. And Outcalt reduced it to writing, did he?

Mr. CLARK. I think so.

Senator CURTIS. And Outcalt took him over to the police court, did he not?

Mr. CLARK. They went over there.

Senator CURTIS. They went together, did they?

Mr. CLARK. I think so.

Senator CURTIS. Then he knew that a charge had been filed against Bentley, did he not?

Mr. CLARK. He certainly did.

Senator CURTIS. Then you say he left town?

Mr. CLARK. He went out with the party that went to Eagle Pass with some Indians.

Senator CURTIS. Who were they?

Mr. CLARK. I think Mack Johnson at that time.

Senator CURTIS. What white men went?

Mr. CLARK. Grimes, I believe, and Conine and his wife; I do not know whether Brown went or not.

Senator CURTIS. And Outcalt went?

Mr. CLARK. Yes, sir.

Senator CURTIS. How long was he gone?

Mr. CLARK. I think he was gone three nights, to the best of my recollection. He got back early in the morning.

Senator CURTIS. In order to lead up to Mr. Outcalt, I want to ask you about Mr. Thackery. You say he asked you to help Outcalt out?

Mr. CLARK. In identifying the Indians.

Senator CURTIS. Did Mr. Thackery tell you what his (Mr. Thackery's) business was down there?

Mr. CLARK. I do not remember that Mr. Thackery said anything to me about his business down there. I know what Mr. Outcalt was down there for. That is what he told me. He was there to investigate or try to get some evidence in making an investigation, I think, of Mr. Bentley's dealings in Mexico.

Senator CURTIS. How long was Outcalt there?

Mr. CLARK. I think he arrived there about two days after I did and left the next day after I did.

Senator CURTIS. How much help did you give him?

Mr. CLARK. I gave him just that much, in paying out that lease money to the Indians—identifying them.

Senator CURTIS. Did you see him do anything else there?

Mr. CLARK. I think he made a trip or two out to the camp to see the Indians.

Senator CURTIS. When he went to the camp did he go by himself?

Mr. CLARK. I went with him part of the time.

Senator CURTIS. Did anybody else go with you?

Mr. CLARK. He went to the camp one Sunday; I remember that me and Conine and Mr. Outcalt went on Sunday.

Senator CURTIS. Were those white men around Outcalt's room a good deal—that is, Grimes, Brown, and Cal. Moore?

Mr. CLARK. Yes, sir; we were all there together. Mr. Outcalt occupied a room there.

Senator CURTIS. This colored man who you heard testify here was in the room, was he?

Mr. CLARK. I did not see him.

Senator CURTIS. He was around there, was he not, this colored man?

Mr. CLARK. Yes, sir; he stayed there in our room part of the time. Mr. Brown and Mr. Chapman occupied room No. 4, I think.

Senator CURTIS. That was nearby you?

Mr. CLARK. Yes, sir.

Senator CURTIS. Was that where these Indian women were taken?

Mr. CLARK. No, sir; they were in room No. 2, right adjoining on the other side of ours, and room 1 was the large room that fronts out on the street; that was the one that the Indians occupied mostly.

Senator CURTIS. Did you see Mr. Outcalt drink any down there?

Mr. CLARK. Yes, sir; I saw him drink some.

Senator CURTIS. How often?

Mr. CLARK. I could not tell you that.

Senator CURTIS. Did you gentlemen hear the conversation between himself and Cal. Moore and Brown and Grimes and the other men?

Mr. CLARK. I did not hear any.

Senator CURTIS. Did you see an old imbecile Indian out there?

Mr. CLARK. Paw-kaw-kah?

Senator CURTIS. Yes.

Mr. CLARK. I know him well; yes, sir.

Senator CURTIS. State his condition to the committee.

Mr. CLARK. I have not seen him for some time.

Senator CURTIS. You were down at Douglass, were you not?

Mr. CLARK. Oh, yes, sir; I did see him down there. He came on horseback, but he was two or three blocks away.

Senator CURTIS. Were you not around there during the hearings of this committee?

Mr. CLARK. No, sir; I was not.

Senator CURTIS. What was his condition when you did see him?

Mr. CLARK. Well, he is an imbecile and a mute; he has always been that.

Senator CURTIS. You say he can not talk?

Mr. CLARK. No, sir; and I do not know whether he can hear or not; and he has not good sense, I know that.

Senator CURTIS. Yet these gentlemen took a deed from him?

Mr. CLARK. I do not know about that.

Senator CURTIS. Did you not hear that they did?

Mr. CLARK. Yes, sir; I heard that they did.

Senator CURTIS. Did you have any conversation with Bentley after he was arrested?

Mr. CLARK. Yes, sir; I have since that.

Senator CURTIS. I mean about the Kickapoos?

Mr. CLARK. No, sir; I think not—nothing of any importance.

Senator CURTIS. Were you over at Eagle Pass when those gentlemen were having any dealings with the Indians?

Mr. CLARK. No, sir.

Senator CURTIS. How long did you stay there?

Mr. CLARK. I stayed there until the 26th or 27th of July—I believe I left on the 26th, but I would not be positive—1906.

Senator CURTIS. Were you in Muzquiz the day they claimed that a lot of Indians were taken up to Guajardo's house?

Mr. CLARK. Yes, sir.

Senator CURTIS. Did you see them going by?

Mr. CLARK. I was up at Guajardo's house one time when the Indians went up there.

Senator CURTIS. What day was that?

Mr. CLARK. I could not give you the date.

Senator CURTIS. It was in July, was it not?

Mr. CLARK. Yes, sir; I think it must have been along about the 5th.

Senator CURTIS. How many Indians were there?

Mr. CLARK. There must have been 30 or 40.

Senator CURTIS. Were they upstairs or down in the yard?

Mr. CLARK. They were upstairs and downstairs, too.

Senator CURTIS. Where were you most of the time?



Mr. CLARK. I was upstairs part of the time; I was not there but a very short time.

Senator CURTIS. Did you help to identify any Indians there that day?

Mr. CLARK. No, sir; I did not.

Senator CURTIS. Did you take part in the proceedings?

Mr. CLARK. I did not see any proceedings there.

Senator CURTIS. Did you see any Indians sign deeds there?

Mr. CLARK. No deeds were offered and no one was asked to sign anything.

Senator CURTIS. What did they ask them to do?

Mr. CLARK. It seems as though they had been called in there by Guajardo or somebody else—I do not know who; but I went out there to talk with them about their lease money; I wanted them to come and get it. That was my object out there. Guajardo made a talk to them about selling their land; he advised them not to sell their land or to give it away, etc., and said he was going to leave, that he wanted to go on that train—it was late in the afternoon—and that he was going to Monterey; his wife was down at the hospital and he had to leave. He said, "While I am gone I leave you in charge of Mr. Conine to look after your business and see if you are treated fairly, and if he does not do it I will see that he does."

Senator CURTIS. And at that very time Conine was in the employ of these very men trying to get their lands from them?

Mr. CLARK. I do not know anything about that.

Senator CURTIS. You heard him testify that he received \$150 a month, did you not?

Mr. CLARK. No, sir.

Senator CURTIS. You were at Eagle Pass when he testified?

Mr. CLARK. Yes, sir; I was; but I did not hear that.

Senator CURTIS. Now, at that place you say nothing was said about signing deeds?

Mr. CLARK. Not that time; no, sir.

Senator CURTIS. That was the 21st day of July, was it not, on Saturday?

Mr. CLARK. It was before that; I do not remember now, but I think it was earlier.

Senator CURTIS. These Indians were not taken there but two days, were they?

Mr. CLARK. Yes, sir; they were taken there several times. Of course I was not working with those fellows.

Senator CURTIS. They were around there that day, were they not?

Mr. CLARK. Yes, sir; they were around there, and they thought I was opposing them—these fellows—and that I was advising the Indians not to sell their land, which I did to some extent, and I told them to go to Oklahoma; if they wanted to sell their land that they could get what it was worth; and of course after they found out that I was kind of working against them I was eliminated—I was not permitted in there.

Senator CURTIS. Did you stay there that day until the Indians went away?

Mr. CLARK. Yes, sir.

Senator CURTIS. Were there any deeds signed there that day?

Mr. CLARK. No, sir; there were none; no deeds were signed; they did not ask them to sign the day I was there.

Senator CURTIS. Were you there at any other time when the Indians were taken up to Guajardo's house?

Mr. CLARK. No, sir; I never was.

Senator CURTIS. Did you afterwards go back down there? You say you left and came back about the 27th or 28th of July.

Mr. CLARK. I have not been back there since. That was probably this last August.

Senator CURTIS. Did you try to buy any land there then?

Mr. CLARK. No, sir.

Senator CURTIS. Who did you go there for in August?

Mr. CLARK. Mr. Goode and I went down there.

Senator CURTIS. Did you try to buy any land there then?

Mr. CLARK. No, sir.

Senator CURTIS. You know Mr. Graham, do you not?

Mr. CLARK. Yes, sir.

Senator CURTIS. Did you not help Graham to buy some land down there?

Mr. CLARK. No, sir; not particularly.

Senator CURTIS. Let me read you this dispatch: "George Graham, Eagle Pass, Tex., Maverick Hotel: Look out for Indians. Wire Thackery; get numbers John Pecan, Charlie White land; will write you." You sent that, did you?

Mr. CLARK. Yes, sir; I did.

Senator CURTIS. That was on July 1, 1906? How about this one; "George Graham, Maverick Hotel, Eagle Pass: Grimes, Ah-kis-kuck, Penetho on train to-morrow. Land will sell eight thousand. Will write to-morrow. Clark." You sent that, did you not?

Mr. CLARK. I sent that.

Senator CURTIS. Why did you send that?

Mr. CLARK. Well, those Indians were coming out there, and I sent them to him so he could buy the land or have a chance to. I did not know the numbers of the land of the other two and I wired what this land would sell for if he bought it.

Senator CURTIS. What does this telegram mean: "Since writing arranged to stay. Bring or send any you can sign. Wire me prospects care hotel Maverick. Write me full details if send." That is dated July 3, 1906. You got that dispatch, did you not?

Mr. CLARK. Well, I do not understand it.

Senator CURTIS. Well, he wired you that since writing you he had made up his mind that he would buy some land, did he not? Now, why would he write you that if you were not helping him to get land?

Mr. CLARK. I did have a talk with Mr. Lee Patrick before I went down there, and of course I knew the Kickapoo land and they did not—that is, they did not know what it was worth—and there was a misunderstanding between them and Mr. Bentley in regard to this Kickapoo business, and I made an arrangement with Mr. Patrick. He wanted to know what I wanted out of it in case they went in it independently of Mr. Bentley. He said there were five of them. I said if they could buy any land I would be willing to divide equally with them. He said to go down there, but not to get into any trouble with Bentley.

Senator CURTIS. Did you have any talk with George Graham after that?

Mr. CLARK. George followed me a day or two afterwards. He got down there and took in the situation and saw how it was.

Senator CURTIS. Now, is it not a fact that because of the conduct of L. C. Grimes, W. L. Chapman, Al. Brown, Cal. Moore, and Doctor Conine you and Graham made up your mind that you would not have anything to do with that land?

Mr. CLARK. Yes, sir; considerably so—yes, sir; it was.

Senator CURTIS. You had heard Mr. Graham say they had bought the jefe politico, Guajardo, did you not?

Mr. CLARK. We saw the way it was being worked there; that it would cost very much money with the Mexican Government and we could not stand it.

Senator CURTIS. You were down there when those depositions were taken?

Mr. CLARK. No, sir.

Senator CURTIS. You do not know that they had to have \$500 in gold sent before they could get the depositions away from the officers?

Mr. CLARK. No, sir; I do not know anything about that.

Senator CURTIS. Were you down there with Mr. Goode?

Mr. CLARK. I went down there in August, I think, with Mr. Goode—August and part of September.

Senator CURTIS. What were you and he doing there?

Mr. CLARK. He went down there to investigate some matters, and I went down with him to identify some Indians that he had some lease money for.

Senator CURTIS. And any dispatches that passed between you and him with reference to lease money or getting affidavits was for the Government?

Mr. CLARK. I do not remember now.

Senator CURTIS. I say, if any did pass between you. If you wired him about it it was simply to take depositions for the Government. You were not helping anybody but the Government at that time—you were working for the Government?

Mr. CLARK. Yes, sir.

Senator CURTIS. Who employed you to go down there?

Mr. CLARK. Mr. Goode.

Senator CURTIS. Did he pay you?

Mr. CLARK. Yes, sir.

Senator CURTIS. Did he pay any lease money down there?

Mr. CLARK. Yes, sir.

Senator CURTIS. How much did he pay?

Mr. CLARK. I could not tell you.

Mr. EMBRY. You went down there with Mr. Goode in August or September to investigate particularly the facts as to those alleged fraudulent transfers, did you?

Mr. CLARK. Yes, sir.

Mr. EMBRY. That is what you did, was it?

Mr. CLARK. Yes, sir; with the exception of paying out a little lease money.

Mr. EMBRY. As far as you knew, with the exception of paying out lease money, you were getting facts to enable the proper authorities to file petitions for the Government to recover this land?

Mr. CLARK. Yes, sir.

Mr. EMBRY. You say there was some misunderstanding between Mr. Patrick and Mr. Bentley with reference to this land. Do you know what the understanding was?

Mr. CLARK. Well, only just hearsay.

Mr. EMBRY. You say that Guajardo advised those Indians at the time you were at his house not to sell their lands?

Mr. CLARK. I think he did.

Mr. EMBRY. Can you determine about when that was?

Mr. CLARK. I never kept any dates of those things.

Mr. EMBRY. Can you determine it with reference to the time the bill was passed, on June 21?

Mr. CLARK. It must have been ten or twelve days after that.

Mr. EMBRY. Was Conine present at that conference?

Mr. CLARK. Yes, sir.

Mr. EMBRY. Do you know what the Indians had been gathered together there for primarily?

Mr. CLARK. No, sir; no more than just to advise with them.

Mr. EMBRY. Do you know whether or not they had any court proceedings at that time?

Mr. CLARK. I think not.

Mr. EMBRY. And Guajardo's speech was interpreted as advice to the Indians not to sell their lands?

Mr. CLARK. That was my understanding; yes, sir.

Mr. EMBRY. But he said further that he would leave them in charge of Conine while he was gone away?

Mr. CLARK. Yes, sir; he was going to Monterey, where his wife was.

Mr. EMBRY. Do you know how long he was gone to Monterey?

Mr. CLARK. I could not say.

Mr. EMBRY. Can you state approximately?

Mr. CLARK. I judge it was a week.

Mr. EMBRY. Do you know whether any deeds were taken while he was gone to Monterey.

Mr. CLARK. No, sir; I could not say as to that; I do not know a thing about that. All I could tell was by the crowd going to Guajardo's and coming back, and the Indians would talk to me, and all the information I would get was from the Indians.

Mr. EMBRY. Can you recollect any times when you saw the Indians going to Guajardo's house after the time Guajardo made this speech that you mention—how long after that speech?

Mr. CLARK. I could not tell you how long it was after that.

Mr. EMBRY. How many times did you see Indians going to Guajardo's house after that?

Mr. CLARK. Two or three times.

Mr. EMBRY. You did not go on those occasions?

Mr. CLARK. No, sir.

Mr. EMBRY. What white men were at Guajardo's house at the time he made this speech?

Mr. CLARK. Grimes, Chapman, and Mr. Outcalt were there; I do not know whether anyone else was there or not. I remember those.

Mr. EMBRY. When you refer to Guajardo's house, do you mean his private home or his office at the court-house?

Mr. CLARK. His private home; it is about a mile from town, I judge.

Mr. EMBRY. When the Indians would return at the later times, when they visited Guajardo's house, did they tell you whether they had made deeds or not?

Mr. CLARK. They told me they had not.

Mr. EMBRY. Did they tell you any time they had been taken out there to make deeds?

Mr. CLARK. They did.

Mr. EMBRY. Then, from that you were able to determine when it was that they were there for the purpose of making deeds, or been requested to make deeds?

Mr. CLARK. Yes, sir; I know they were taken there for that purpose.

Mr. EMBRY. Then they were taken there to make deeds after the time Guajardo made this speech?

Mr. CLARK. Yes, sir.

Mr. EMBRY. Do you know where Outcalt was during the time those Indians were taken there to make deeds?

Mr. CLARK. I could not say as to that, but I remember the date when the judge from Monclova was there, and I thought he had gone out there to Guajardo's house to make some kind of investigation.

Mr. EMBRY. You thought who had?

Mr. CLARK. This judge that they brought to take the acknowledgments of these deeds, and in there that afternoon I said, "George, what are they doing out there; have you not been out there?" And he said, "No; I have not been out there; I have not been to Guajardo's house." That was in the afternoon. This judge from Monclova, who took acknowledgments, was out there, and I suppose that was the day they took some of the deeds.

Senator CURTIS. In this connection, is it not true that the Indians were notified that they must go up there for an investigation?

Mr. CLARK. I could not say as to that?

Senator CURTIS. Did they not tell you that?

Mr. CLARK. They were notified to come up there, but they did not know what for.

Senator CURTIS. Have you not heard them say that it was for the purpose of investigation?

Mr. CLARK. I heard the Indians say that they were notified by Guajardo to go to his house.

Senator CURTIS. Do you not remember the dispatch from Conine, I think, saying that they were ordered to go there for investigation?

Mr. CLARK. I have not heard all the testimony.

Mr. EMBRY. How did you get the impression, at the time you asked Outcalt if there was not an investigation going on—how did you get the impression that their being up there meant some kind of an investigation?

Mr. CLARK. Well, the Indians had been called out there, and I supposed that was what it was for. I never thought he wanted them taken out there to get deeds or acknowledge deeds.

Mr. EMBRY. Where were you and Outcalt?

Mr. CLARK. I was at the hotel.

Mr. EMBRY. Was Outcalt there, too?

Mr. CLARK. He was there part of the time. Of course I was not in Mr. Outcalt's company all the time.

Mr. EMBRY. At what time of the day was it when you say you talked to Outcalt and asked him if there was not an investigation going on at Guajardo's house?

Mr. CLARK. That was about 3 or 4 o'clock.

Mr. EMBRY. Do you remember any other time when those Indians were at Guajardo's house?

Mr. CLARK. I remember they said they were going out there at other times, but as to the date of their going I could not give you the date.

Mr. EMBRY. When Grimes told you that they were to pay Guajardo \$75 for each allotment, was that to be \$75 Mexican or \$75 American?

Mr. CLARK. Seventy-five dollars Mexican was my understanding.

Mr. EMBRY. You say you saw Outcalt drink some down there. State to the committee the extent to which you saw him drinking.

Mr. CLARK. I have seen him drink a bottle of beer.

Mr. EMBRY. Is that all?

Mr. CLARK. No, sir; I have seen him drink another bottle after a while, sometimes.

Mr. EMBRY. Did you see him under the influence of intoxicants?

Mr. CLARK. None to amount to anything.

Mr. EMBRY. What do you mean by that?

Mr. CLARK. I could not say that he was drunk or out of the way.

Mr. EMBRY. Now, as to this colored man, Manual Mills, did he stay there in your room?

Mr. CLARK. Yes, sir; he slept there of nights for quite a while.

Mr. EMBRY. Was your room and Outcalt's the same?

Mr. CLARK. Yes, sir.

Mr. EMBRY. You and Outcalt stayed together in the same room?

Mr. CLARK. The same room; yes, sir.

Mr. EMBRY. How many beds were in that room?

Mr. CLARK. Two.

Mr. EMBRY. Where did the old colored man sleep?

Mr. CLARK. On the floor.

Mr. EMBRY. How long did he stay there with you?

Mr. CLARK. He stayed there, I expect, ten days.

Mr. EMBRY. What was the purpose of his being there with you?

Mr. CLARK. Well, Mr. Mills and I went out to the camp one morning to have Tah-pah-she come in there, an old lady that George wanted to get a statement from.

Mr. EMBRY. Outcalt did?

Mr. CLARK. Yes, sir; she promised to come and make a statement about her land.

Mr. EMBRY. Which land?

Mr. CLARK. Land that was sold.

Mr. EMBRY. She was one of the seven, was she?

Mr. CLARK. Yes, sir.

Mr. EMBRY. Then it was with reference to that transaction with Mr. Bentley or Mr. Ives?

Mr. CLARK. Yes, sir; and Panetho, I believe, is her son or sister, one—went out there together and we met Panetho, and he said he would bring her in the next day, and I left Mills out there; it set in raining, and Mills could not get away, and George had an idea that he was out there working against him in getting his statement, and he had the marshal go out and bring him in.

Mr. EMBRY. Who started you and Mills out there in the first place?

Mr. CLARK. George Outcalt.

Mr. EMBRY. Was there any other purpose than to secure that old woman to make the statement?

Mr. CLARK. That was all.

Mr. EMBRY. And the marshal being sent out was on account of the fact that Mills had not returned with her at the time he said?

Mr. CLARK. No, sir; he had not returned.

Mr. EMBRY. When Mills came in, what occurred?

Mr. CLARK. I told the marshal not to lock him up, but to bring him up to the hotel to stay with us.

Mr. EMBRY. Is it customary down in Mexico for a man to say to a marshal, "You go out and arrest that man and bring him around here?"

Mr. CLARK. That seems to be the plan or rule.

Mr. EMBRY. If you want a man, you have to send a marshal for him?

Mr. CLARK. Yes, sir; and he gets him, too.

Mr. EMBRY. What occurred after Mills was brought in?

Mr. CLARK. Nothing unusual happened.

Mr. EMBRY. Did you men keep him in there under restraint?

Mr. CLARK. No, sir; we let him go wherever he pleased; he stayed around town.

Mr. EMBRY. Do you remember any conversation between him and Outcalt; and if so, what was it?

Mr. CLARK. Of course George thought he was helping Bentley out there in some of his schemes and talked pretty short to him; that was all.

Mr. EMBRY. Did you get this old woman's statement?

Mr. CLARK. No, sir; there had been some Indians over to Eagle Pass and had got back that evening and persuaded her, or did not tell her to come in. That was Mills's statement.

Mr. EMBRY. I believe you said that you and Outcalt and Conine went to that camp out there one Sunday. How long was that after Outcalt had arrived in Mexico that you went to the camp; how long had he been there?

Mr. CLARK. A month and a half, I guess.

Mr. EMBRY. What did you go out to the camp for?

Mr. CLARK. To see the Indians.

Mr. EMBRY. What did Conine go for?

Mr. CLARK. He just went along to accompany us, I guess. Of course he talked Spanish, and if we needed a Mexican interpreter we would have one along.

Mr. EMBRY. For what purpose did you and Outcalt go there?

Mr. CLARK. To pay them their lease money.

Mr. EMBRY. Did you talk with them about that?

Mr. CLARK. Yes, sir; I think we paid some of them.

Mr. EMBRY. You said that Outcalt went out with a party that went with some Indians to Eagle Pass. About what date was that?

Mr. CLARK. It must have been along about from the 25th to the last of June.

Mr. EMBRY. You said he was gone three days?

Mr. CLARK. Yes, sir.

Mr. EMBRY. Do you know what Indians there were that went out that time?

Mr. CLARK. I do not remember what Indians went.

Mr. EMBRY. How do you fix it as probably the 25th of June?

Mr. CLARK. Well, it was about the time the bill was passed, or a little after that, I think.

Mr. EMBRY. Did you have any conversation about his purpose in going to Eagle Pass?

Mr. CLARK. No, sir.

Mr. EMBRY. Did you after he returned?

Mr. CLARK. No, sir.

Mr. EMBRY. Did he give you any account of his trip to Eagle Pass or any of the incidents of it?

Mr. CLARK. I think not.

Mr. EMBRY. Now, with regard to this complaint that was made by those Indians, did you hear the Indians make complaint there about Bentley?

Mr. CLARK. I did.

Mr. EMBRY. Please name all the Indians you heard make complaints or with reference to those complaints that were filed in court. Senator CURTIS. You mean other than he has already named.

Mr. CLARK. Homer Anderson was the first one to make complaint.

Mr. EMBRY. What was his complaint?

Mr. CLARK. That Bentley was holding the Indians out there under restraint and compelling them to sign some kind of paper; they did not know what it was.

Mr. EMBRY. Where was it that he made that complaint?

Mr. CLARK. In the Central Hotel at Muzquiz.

Mr. EMBRY. Who was present at the time?

Mr. CLARK. He made it to me first.

Mr. EMBRY. Did he repeat it anywhere else?

Mr. CLARK. He went before George and made a written statement.

Mr. EMBRY. Were you there when he made the written statement for George?

Mr. CLARK. I was.

Mr. EMBRY. Was that written statement one of the statements that has been referred to here as a complaint?

Mr. CLARK. I do not know what the complaints are.

Mr. EMBRY. What other Indians made complaints there?

Mr. CLARK. Puck-e-shinno.

Mr. EMBRY. Did you hear him make complaint?

Mr. CLARK. Yes, sir; I heard him make his complaint.

Mr. EMBRY. What did he say to Outcalt?

Mr. CLARK. He said Bentley was holding the Indians there and trying to force them to sign some kind of paper.



Mr. EMBRY. Did you hear any other Indians make complaint to Outcelt?

Mr. CLARK. Yes, sir; I heard Ah-ten-y-tuck.

Mr. EMBRY. What did he say?

Mr. CLARK. He made the same complaint.

Mr. EMBRY. Did you hear any other?

Mr. CLARK. Yes, sir; Chahkosot.

Mr. EMBRY. What did he say?

Mr. CLARK. That was his complaint, too.

Mr. EMBRY. Did Pah-pe-ah-she make any complaint?

Mr. CLARK. I do not think I heard it if he did. I think Ah-neshenne did, but I am not positive.

Mr. EMBRY. Did you see Mack Johnson there at that time?

Mr. CLARK. I saw him, but I was not present when he made it before George, but I heard him make it before the court.

Mr. EMBRY. What did he say before the court?

Mr. CLARK. That Bentley had come to his camp, he had sent a man there first and then sent another man, and finally sent two policemen, who arrested him and took him into camp where they were signing the papers, and the policeman struck him over the head with a cane, and his wife and mother followed him up and commenced crying and told him to sign the paper. I heard him make that complaint in court. He signed it. He was interpreter, and he put it into Spanish.

Mr. EMBRY. Do you know where Outcelt was the day that Rachel Kirk was put in the buggy at Muzquiz, at the time you say you were standing on the plaza, when you saw a drunken woman out there in the buggy or coach?

Mr. CLARK. I might have known her and might not. I do not know what the date was.

Mr. EMBRY. Do you remember, or was it called to your attention, that Okemah and some Indians in going to Eagle Pass sought to board the train at Sabinas and were prevented by Conine and Al. Brown from getting on the train, and were then or shortly afterwards put under arrest?

Mr. CLARK. I remember the circumstances.

Mr. EMBRY. How long was it after that occurrence before it was rumored there at Muzquiz that you knew of it?

Mr. CLARK. I was there when the Indians came back; they came in afoot. I saw them when they came into town.

Mr. EMBRY. They came back under arrest, did they?

Mr. CLARK. Yes, sir; they were under arrest, or had been; they were put under arrest or put in prison when they got there—that is, the men folks.

Mr. EMBRY. Do you know where Outcelt was at that time?

Mr. CLARK. He was at Muzquiz.

Mr. EMBRY. How long had he been there continuously prior to that time?

Mr. CLARK. He never was away from there but three nights, as I told you, that he went over to Eagle Pass, with the exception of the time we were out to the camp.

Mr. EMBRY. What time was this occurrence, and the arrest of Okemah, with reference to the time you say Outcelt went to Eagle Pass with a party who had Indians?

Mr. CLARK. That was afterwards.

Mr. EMBRY. Which was afterwards?

Mr. CLARK. The Indians were arrested afterwards.

Mr. EMBRY. How long after the trip to Eagle Pass?

Mr. CLARK. It must have been ten days.

Mr. EMBRY. You say that Outcalt was at Muzquiz during the time Okemah was arrested and brought in?

Mr. CLARK. Yes, sir.

Mr. EMBRY. Were conditions such that he could have been at Sabinas the day of the arrest and return there at night?

Mr. CLARK. No, sir; he could not have done it.

Mr. EMBRY. Were you at Muzquiz at that time?

Mr. CLARK. I was.

Mr. EMBRY. You and he were sleeping in the same room?

Mr. CLARK. Yes, sir.

Mr. EMBRY. How many times did you see Mr. Thackery down there?

Mr. CLARK. Twice.

Mr. EMBRY. On the first occasion where was it?

Mr. CLARK. At Muzquiz; I saw him when he was over in town, I think.

Mr. EMBRY. Next, where did you see him; did you and he go out to that camp?

Mr. CLARK. I was out there and Mr. Outcalt and Mr. Thackery came out while I was there.

Mr. EMBRY. Was that the evening they were ordered away?

Mr. CLARK. Yes, sir.

Mr. EMBRY. And the time you say a dance was going on there?

Mr. CLARK. Yes, sir.

Mr. EMBRY. Were Outcalt and Thackery with the other white people who were ordered away in the afternoon or after night?

Mr. CLARK. It was just about dark.

Mr. EMBRY. When you left?

Mr. CLARK. Yes, sir; when we left. I believe it was pretty near 11 o'clock when we got into Muzquiz.

Mr. EMBRY. Do you think that was their first visit to the camp—was it the first visit you had any knowledge of?

Mr. CLARK. Yes, sir.

Mr. EMBRY. Was that the time Wahpahchequa told them to leave, or do you know who ordered them away?

Mr. CLARK. I do not know who ordered them away, whether it was the Indians or the policemen.

Mr. EMBRY. At the time they left, did Outcalt return to Muzquiz with Thackery?

Mr. CLARK. I presume he did; they were all in town that evening.

Mr. EMBRY. What do you mean by that evening?

Mr. CLARK. When we got back.

Mr. EMBRY. You went back, did you?

Mr. CLARK. Yes, sir.

Mr. EMBRY. And you saw them all there?

Mr. CLARK. Yes, sir; I saw Outcalt there; I believe he was there. I know I saw Mr. Thackery there after I got in town.

Mr. EMBRY. You say you and Mr. Bentley went out to camp together when you first went down there?

Mr. CLARK. Yes, sir.

Mr. EMBRY. You and Mr. Bentley were friendly, were you not?

Mr. CLARK. Yes, sir.

Mr. EMBRY. What were you and he doing at the camp together?

Mr. CLARK. I wanted to go to the camp; that is what I went down for. He said he had a buggy team and was going to drive out and I drove out with him.

Mr. EMBRY. As a matter of fact, George Graham had gone down there expecting to cooperate with Bentley some, had he not?

Mr. CLARK. That was the expectation or the impression that I had of it.

Mr. EMBRY. And you were rather regarded at that time as belonging to the Bentley crowd?

Mr. CLARK. No, sir; I told Mr. Graham that whatever dealings he had with Mr. Bentley he must make them with him, and whatever dealings he made with me would be a separate thing. I did not want him to make it as a partnership business at all. Mr. Bentley, after I got down there, tried hard to get me to still go ahead and work with him, but I told him I would not do it.

Mr. EMBRY. What did Bentley want you to work for him for; what did he want you to do?

Mr. CLARK. He wanted me to go ahead and help him in the enterprise that he was in.

Mr. EMBRY. What was the enterprise?

Mr. CLARK. To get those Indians to sign their land away to Mr. Ives; to take the deeds without paying them any money. I told him it could not be done; it would be a failure.

Mr. EMBRY. What did he say he wanted them to convey land to Ives for?

Mr. CLARK. He said that was the arrangement he had made, and he was going to put it up and sell it to the highest bidder. I told him the Indians would not consent to it; I was satisfied a great many of them would not.

Mr. EMBRY. Then what did he say he would do with it when he put it up for sale to the highest bidder?

Mr. CLARK. He would sell the land and put it into a pool and buy a place in Mexico.

Mr. EMBRY. Did he say anything about profits or benefits to himself?

Mr. CLARK. He made me a square out offer; he said if I would work with him he would insure me \$2,500, and in another six months, another \$2,500. I told him there was no use making me any offer.

Mr. EMBRY. When he made you this offer of \$2,500 a year to help him sell that land, you did not regard it as a mere desire on the part of Mr. Bentley to help the Indians, did you? You understood it was a speculation on the part of Mr. Bentley?

Mr. CLARK. Certainly I did; it looked that way to me.

Mr. EMBRY. And he was willing to give you sums equal to \$2,500 a year if you would help him work it?

Mr. CLARK. Yes, sir.

Mr. EMBRY. You say you and Mr. Bentley were appointed immigration agents on some railroads here?

Mr. CLARK. Yes, sir.

Mr. EMBRY. That was when you and Mr. Bentley were in the real estate business, was it not?

Mr. CLARK. Yes, sir.

Mr. EMBRY. I want to ask you if the principal purpose was not to help him transfer those Indians from this country?

Mr. CLARK. Part of it was, I suppose.

Mr. EMBRY. You and Mr. Bentley had discussed the plans of transferring these Indians to Mexico a number of times, had you not?

Mr. CLARK. Yes, sir.

Mr. EMBRY. It was purely a business proposition for you to move those Indians to Mexico and have the restrictions removed?

Mr. CLARK. It was quite a proposition, but there was no intention on my part to act unjustly toward them.

Mr. EMBRY. Did you ever talk with Mr. Bentley about the propriety of you men drawing up papers to show what you were to do with the funds—how they were to be handled and disposed of?

Mr. CLARK. I had talked to him about it; yes, sir.

Mr. EMBRY. Where did that conversation take place, if you remember?

Mr. CLARK. I do not remember just where that conversation took place. I did speak to him about it, and I also spoke to Mr. Ives about it.

Mr. EMBRY. What did you say to them?

Mr. CLARK. I asked Mr. Ives if he had any agreement. When he came back here a good deal of land was deeded to Mr. Ives and a part to Mr. Bentley. I asked Mr. Ives what his agreement or understanding was in regard to the matter; that I wanted to know what it was; I wanted to know what I was going to get out of it, and he told me that he had no agreement or understanding with regard to the matter. That was about the last days of October, two years ago.

The CHAIRMAN. When those sales were made there was considerable property sold?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Who conducted the sales?

Mr. CLARK. Mr. Thackery advertised the land.

The CHAIRMAN. It was sold through his office?

Mr. CLARK. Yes, sir.

The CHAIRMAN. There was an appraised value put on every piece of land, was there not?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Who made the appraisement?

Mr. CLARK. I could not tell you.

The CHAIRMAN. It was made in a Government office, was it not?

Mr. CLARK. Yes, sir.

The CHAIRMAN. It was a Government appraisement?

Mr. CLARK. Yes, sir; a Government appraiser made it.

The CHAIRMAN. Then they were put up, and the man who paid the most, if he had a certified check for the amount, got the land?

Mr. CLARK. Yes, sir.

Mr. EMBRY. Now, Mr. Clark, after the bids were opened and it was ascertained who made the highest bid, the rule was that the land was to be awarded to him?

Mr. CLARK. Yes, sir.

Mr. EMBRY. But if there were adult Indian heirs, the Government could not compel those heirs to sign unless they wanted to?

Mr. CLARK. No, sir.

Mr. EMBRY. Have you ever seen this check [exhibiting check]?

Mr. CLARK. I have never seen that check up to this time.

Mr. EMBRY. Do you remember when the Hoffman addition to this town was sold through the agency to the highest bidder that one of the heirs, at least, was an adult living in Mexico?

Mr. CLARK. Yes, sir.

Mr. EMBRY. Do you know whether your firm was paid a fee for their influence in securing the signature of that heir to the deed?

Mr. CLARK. I did not know it until about two years ago. I found it out through Mr. Graham.

Mr. EMBRY. How much would your firm pay for your influence in securing the signature of that adult heir?

Mr. CLARK. We were supposed to have paid \$500, but I think there was a fee of \$75 at the other end of the line that Mr. Galan got; that was my understanding later.

Mr. EMBRY. After your firm received the fee then the signature was forthcoming to that deed, and you understand the deed was signed up and properly delivered?

Mr. CLARK. Yes, sir.

Mr. EMBRY. Is that not the reason that Mr. Benson and every other man who bid on this Kickapoo land had to get in with your firm, or at least have the friendship of your firm, because of the influence of Mr. Bentley over those Kickapoo Indians?

Mr. CLARK. I think so; in regard to the Kickapoos, it may have been that way to some extent.

Mr. EMBRY. Is it not a fact that every man speculating in those Kickapoo lands, or buying that heirship land, had to put their bid in with a view to the fact that Mr. Bentley had an influence over those Indians who might require further payment before they could get their deeds signed up?

Mr. CLARK. I could not say as to that, positively.

The CHAIRMAN. I suppose every man who saw that there was an heir knew that he might have trouble to get the heir to sign. The Government could not guarantee that at all. The Government only gave them a title that the adult Indian had.

Mr. EMBRY. I will ask you to examine this correspondence here and say if that is the crossbill attached.

Mr. CLARK. Is this the same paper that I looked at just now?

Mr. EMBRY. This Thackery business. What is that Thackery fee there?

Mr. CLARK. That is \$8. I can not understand.

Senator CURTIS. Why not let Mr. Thackery explain that, to make the record clear. What is that, Mr. Thackery?

Mr. THACKERY. That is a fee; \$5 of it was to pay a business committee fee. We are required in every heirship case to attach a certificate of the business committee; that is to show that the proper heirs have signed the deed. Five dollars was to pay that and \$2 I think was for the advertising fee provided by the Department to pay for advertising this land; that is charged in every case, and the remainder, if I remember correctly, went to Mr. Bonnet for a notary acknowledgment.

Senator CURTIS. Do you know anything about having to pay Mr. Grimes, who was the guardian, \$50 to get him to sign the deed?

Mr. THACKERY. The first I ever knew of that was when I saw it in this paper.

Senator CURTIS. It appears here in this account that there was \$50 paid; that was to L. C. Grimes, the man over there [indicating].

Mr. THACKERY. Yes, sir; that was the man who was guardian of the child.

Mr. CLARK. That is Benson's expenses. He would know about that.

The CHAIRMAN. On a piece of land that he bought?

Mr. CLARK. Yes, sir.

Mr. EMBRY. I offer those papers in the record.

The papers are as follows:

SHAWNEE, OKLA., August 18, 1906.

Oklahoma National Bank:

Pay to Joe Clark and M. J. Bentley, or order, \$175 (one hundred and seventy-five dollars), in full settlement on land deal on land in sec. 14-12-1.

C. J. BENSON.

SHAWNEE, OKLA., May 23, 1906.

C. J. BENSON, Shawnee, Okla.

DEAR SIR: I hereby authorize and empower Joseph Clark to make full settlement with you for my share of the net profit resulting from the deal on the Harrah 80 acres of land which you sold to Mr. Hallack, and do hereby authorize the said Joseph Clark to receipt you in full for any settlement that is made with you.

M. J. BENTLEY.

*Harrah fund account.*

Int. on \$601.00 18 and 10%.....	\$90.00
Int. on \$2,404.00 3/1 '05 to 3/15 '06.....	250.40
Original cost.....	2,404.00
Reilly & Adams, attorneys' fee.....	75.00
Grimes for signing deed.....	50.00
Recording deed.....	1.50
Abstract.....	10.50
Tax.....	37.85
Ensley labor.....	235.11
Wire.....	14.50
Court costs.....	15.00
Hardware and wire.....	16.45
Hardware and wire.....	26.75
Lumber.....	13.14
Thackery.....	8.00
Lumber.....	4.92
Posts.....	7.00
Lumber—barn.....	25.60
Lumber—barn.....	10.60
Well and casing.....	36.00
Lumber and house contract.....	353.90
Six trips to Harrah, R. R. fare, \$1.35 each.....	8.10
Livery hire.....	6.00
Deposit court.....	10.00
Discount, Hallack notes taken up 8%, discount 2%.....	18.00
	<hr/>
	3,728.32

I also paid \$150 rent to Indian for lease of land not included in this. As I took chances on getting my money on crop and failed, I suppose I must abide by it. It was, however, done to force Grimes to terms.

Mr. EMBRY. Do you know anything about the farm of Mr. Bentley's here at Roff, Indian Territory, and how that was acquired?

Mr. CLARK. I do.

Mr. EMBRY. How was it acquired?

Mr. CLARK. Mr. Bentley and I were over there and looked at that land. There was a price put on it, and I think we had some Indian money that we were going over there to buy some land with. I told him I thought it was a good investment, and he went back and bought the piece of land and deeded it to his wife, and they have it still, I think.

Mr. EMBRY. Do you know with what money he bought that land?

Mr. CLARK. He said it was Indian money, and he told me after he bought it he did not believe he would buy any more because he did not dare put any more money in that land over there because they needed it in Mexico.

Mr. EMBRY. What do you mean by Indian money?

Mr. CLARK. That was money that he had borrowed from the Kickapoos.

Senator CURTIS. What year was that?

Mr. CLARK. It must have been in the fall of 1904.

Senator CURTIS. That was before any restrictions were removed?

Mr. CLARK. Yes, sir.

Senator CURTIS. It was money that he had borrowed from them?

Mr. CLARK. Yes, sir; that was right away after the inherited land began to sell. They were getting large sums of money for their land.

Senator CURTIS. At that time the Indians received all their money for the inherited land they sold?

Mr. CLARK. Yes, sir.

Senator CURTIS. And you say it was Mr. Bentley's custom to borrow money from them when they had it?

Mr. CLARK. Yes, sir.

Mr. EMBRY. How frequently and in what sums do you know of his borrowing money from those Kickapoos?

Mr. CLARK. Well, they put their money in the bank and he borrowed it from them. Panatho, I think, received \$10,000 at one time. Weahchekah received about the same.

Mr. EMBRY. Who borrowed that money?

Mr. CLARK. Mr. Bentley.

The CHAIRMAN. Did he tell you who he borrowed the money of to buy those lands?

Mr. CLARK. I do not know whether it was that money, that identical money or not, but that was our understanding when we went over there to buy some of those Indian lands that were not sold under seal bids—that was married citizens' and dead lands in the Choctaw Nation.

The CHAIRMAN. How was it sold, and state the price fixed on it?

Mr. CLARK. That was the price the Indians put on it, about \$12.50 an acre.

The CHAIRMAN. You do not know where he got the money?

Mr. CLARK. No, sir; only what he told me.

Mr. EMBRY. Where did he tell you he got it?

Mr. CLARK. He told me he borrowed it from the Indians.

Mr. EMBRY. Were you in Mexico in July, 1905, at the time Mr. Dickson was down there making an investigation with a letter supposed to have been written by We-hah-ne-hah to Mr. Chester Howe?

Mr. CLARK. Yes, sir.

Mr. EMBRY. Do you remember any of that investigation?

Mr. CLARK. Yes, sir; I do.

Mr. EMBRY. Do you remember Mr. Bentley making any statement as to the letter which purported to have been sent from Muzquiz, Mexico, to Mr. Howe?

Mr. CLARK. Yes, sir.

Mr. EMBRY. What did you hear him say, if anything?

The CHAIRMAN. Have you got a record of that?

Mr. EMBRY. He has an affidavit attached.

Mr. CLARK. Mr. Dickson asked this woman in my presence and Mr. Bentley's, and quite a number of us, if she had written a letter to Chester Howe asking that certain money be sent to the Border National Bank, some land money, I think.

Mr. EMBRY. There is a record as to her statement.

The CHAIRMAN. Have not all these been published? Is not Mr. Clark's affidavit here?

Mr. EMBRY. Yes, sir.

The CHAIRMAN. Then, why not put it in the record without delaying the committee?

Mr. EMBRY. I will offer it in evidence.

Senator CURTIS. You can send it to the committee with your papers.

Mr. EMBRY. Very well. Mr. Clark, at the time you and Mr. Bentley were discussing about the matter of getting these Indians to go to Mexico, I will ask you what method of procedure was thought of or suggested in order to enable you people, or either of you, to act for those Indians; were any powers of attorney proposed or prepared?

Mr. CLARK. No, sir; not that I am aware of.

Mr. EMBRY. I offer this letter in evidence.

*Exhibit Clark No. 1.*

SUNDAY, Oct. 25th, 1903.

DEAR FRIEND: I arrived here at noon to-day & have to lay over until midnight & will be at Eagle Pass to-morrow. No trains are permitted to stop at San Antonio, and I had to come to Houston to get on the Sunset Limited, which runs at full speed through San Antonio. The Katy is not permitted to run its trains either in or out of the city.

It is cool here to-day, & I am told they had a light frost at San Antonio last night, and I have no fear of the fever. They have got some of it right here.

Write me who to bring up with me, & especially if Menepe and Pahena are wanted. It is my intention now to come home soon as I can cross the Indian freight. Write me of anything that's new or important at Eagle Pass

Most truly,

M. J. B.

P. S.—Wire me in case the fair ground money comes. I encouraged Weah chekah to come south to hold a key to the situation. They can not pay it out until she comes. She & Penatho will loan me \$10,000 if it comes in time, & that will let us in on the deal we want. Don't be afraid to use the wire to keep me advised if the money comes.

M. J. B.

Please tell Sol to call for letter at P. O. & to say nothing about what it contains.

Mr. EMBRY. I will ask you to examine the letter just offered, Exhibit Clark No. 1, and state in whose handwriting it is?



Mr. CLARK. It is in Mr. Bentley's handwriting.

Mr. EMBRY. Did you receive that letter?

Mr. CLARK. I did; it was addressed to me.

Mr. EMBRY. In what manner, in due course of mail?

Mr. CLARK. Yes, sir.

Mr. EMBRY. As to what deal was that that it would let you into if you could get the money from Penetho?

Mr. CLARK. What date is that?

Mr. EMBRY. October 25, 1903.

Mr. CLARK. It must have reference to the deal about the Indian land we were talking of buying, that I spoke of just now.

Mr. EMBRY. I show you a letter marked "Exhibit Clark No. 2." Did you receive that letter through the mail?

Mr. CLARK. Yes, sir.

Mr. EMBRY. Is that in the handwriting of Mr. Bentley?

Mr. CLARK. Yes, sir.

Mr. EMBRY. That was in the course of your business?

Mr. CLARK. Yes, sir.

Mr. EMBRY. And you were undertaking to do business in Mexico?

Mr. CLARK. Yes, sir.

Mr. EMBRY. I offer that letter in evidence.

The letter is as follows:

*Exhibit Clark No. 2.*

EUFULA, I. T., May 14, 1904.

DEAR FRIEND:

I felt so bad that I went on home from Atoka yesterday and came here from Shawnee this p. m. I am in bad shape and what I will do after to-morrow will depend upon how I feel. But in any event I think you had better go on over and see the Anylin tract and size up the country, and I will arrange with Cobb to get the stuff filed; you will find your new 20-ride book in the desk.

Maxey is eager to settle, and you had better see him as soon as you get in, as he most likely will leave soon. The hotels are full here on account of the payment and I had trouble in getting a room. Hill is to pay in Mexico and I do not know what to do; the Oklahoma Kickapoos are ordered off the reservation, and Roman says they are camped in his pasture. I do not want them to come straggling back to Shawnee and think it best to rent a place to put them and hold them there.

Sol Williams filed on a mineral claim that is right at the town, and it looks like the town would soon change from an Indian town to a mining camp.

I will write you again to-morrow.

M. J. BENTLEY.

Mr. EMBRY. I show you letter marked "Exhibit Clark No. 3," and ask you to examine it. Is that in Mr. Bentley's handwriting?

Mr. CLARK. Yes, sir.

Mr. EMBRY. You received that letter in due course?

Mr. CLARK. Yes, sir.

Mr. EMBRY. What about that allotment roll; did you have it.

Mr. CLARK. I did.

Mr. EMBRY. You had one in your business here as a real estate dealer, did you not?

Mr. CLARK. Yes, sir.

Mr. EMBRY. I offer that letter in evidence.

The letter is as follows:

*Exhibit Clark No. 3.*

WASHINGTON, D. C., Jan. 29, 1905.

JOSEPH CLARK, *Shawnee, O. T.*

DEAR SIR AND FRIEND: The prospect is good for getting what I came for or part of it, and I expect to come West for a few days in the Ind. Territory. I wish you would have a copy made of the Kickapoo allotment roll. One for pocket use, and compare it so you will be sure it is correct.

I expect to leave here not later than Friday next, and my address will be Hotel Benton, St. Louis.

Very truly,

M. J. BENTLEY.

Mr. EMBRY. Mr. Clark, I show you a letter marked "Exhibit Clark No. 4," and ask you if that is from Mr. Bentley?

Mr. CLARK. Yes, sir.

Mr. EMBRY. I offer that letter in evidence.

The letter is as follows:

*Exhibit Clark No. 4.*

DEAR FRIEND: I looked at the Crack ranch here this afternoon and failed to find anything we would grant. That land you are going to see on the Rio Grande will not suit, but there is land in that section that would suit. There is water, grass, and game in the Cheesle Mountains, and they come within 12 miles of Boquillas, and there is land along the river that can be farmed.

I will meet you at Boquillas June 14th; will start from here the 12th. I got acquainted with a man here who has lived for years near Boquillas, and if there is anything that will do us it is some farm land on the river and the Cheesle Mountains for hunting and prairie range. This man says the wood is plenty up there; cedar and post oak and lots of springs. I hope you will enjoy the trip in this strange country.

Most resp.,

M. J. BENTLEY.

Mr. EMBRY. Here is a letter which appears to have been sent to you, dated Washington, February 6, 1905. I will ask you to examine and state in whose handwriting it is?

Mr. CLARK. It is Mr. Bentley's.

Mr. EMBRY. Did you receive that in the mail?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Is that your handwriting, Mr. Bentley?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. I offer that in evidence.

The letter is as follows:

*Exhibit Clark No. 5.*

WASHINGTON, D. C., Feb. 6, 1905.

JOSEPH CLARK, *Shawnee, O. Ter.*

DEAR FRIEND: I expect to be down in the Territory soon and will want to meet you, so you may look for a wire any time. I expect to leave here for Indianapolis, Ind., Tuesday night. Snake is here and eager to go South, and it appears to be settled that his people will get what they want. I am confident of getting something either for Snake or for the Kickapoos. Expecting to see you soon, I will not attempt to explain the situation further.

Most respectfully,

M. J. BENTLEY.

Mr. EMBRY. I show you a letter marked "Exhibit Clark No. 7," and ask you to state in whose handwriting that is.

Mr. CLARK. It is Mr. Bentley's.

Mr. EMBRY. I offer that in evidence.

The letter is as follows:

*Exhibit Clark No. 7.*

SPOFFORD, TEXAS, June 14.

DEAR FRIEND: I go on east to San Antonio from here, and will write you from there to Eagle Pass.

Clark, I am fully determined to buy land on this side of the river. There are three running creeks between here and Del. Res. Grass and water plenty. Our means is too limited to tackle Mexico, and life is too short.

We will buy us a team and outfit and locate right here within 100 miles of Eagle Pass and the Indians will be suited. They will have to be, in fact. Better come on through to Eagle Pass, and I will be there soon.

M. J. B.

Mr. EMBRY. I show you another letter, dated August 22, 1905, and will ask you to state if that is in Mr. Bentley's handwriting.

Mr. CLARK. Yes, sir.

Mr. EMBRY. I offer that in evidence.

The letter is as follows:

*Exhibit Clark No. 8.*

MUSQUIZ, MEXICO, Aug. 22, 1905.

DEAR FRIEND: I start this p. m. to inspect the Bonnet tract. Mr. Guajardo (the presidente) furnished me a complete map of the land. It just touched the Narauk land on the west. I will come out on the Central and expect to go across in 12 days. Dixon has made a complete fizzle here. You will see from the papers the trouble here is over.

M. J. B.

Look for another letter soon; too much business here to-day to write much.

M. J. B.

Mr. EMBRY. Is that a letter that you received?

Mr. CLARK. Yes, sir.

Mr. EMBRY. I show you a letter, marked "Exhibit Clark No. 9," and ask you if that is a letter received by you from him?

Mr. CLARK. Yes, sir.

Mr. EMBRY. I offer that in evidence.

The letter is as follows:

*Exhibit Clark No. 9.*

SHAWNEE, O. T.

Mr. JOSEPH CLARK,  
Muzquiz, Mex.

DEAR SIR. I arrived here last night from Washington, where I had a very satisfactory interview with the Secretary of the Interior, and I am satisfied that the patents will issue soon. I succeeded in getting Thackery instructed to send the Kickapoo lease money to the Border National Bank, and he has been instructed to report to the Department at once why he had not already made these payments.

I expect to leave here for Eagle Pass Monday and have arranged for Pah-na and Pah-ko-tha's boys to each get a payment of fifty (\$50) dollars. You had better have them leave Muzquiz so they will arrive at Eagle Pass next Wednesday morning. In the meantime see what that nephew of Roman's who has the six days' water in the San Francisco ranch will lease his right in there for. He is the fellow who agreed to take eighteen thousand (\$18,000) dollars last spring, and backed out. I have another place in view about three miles square, with some good land in cultivation west of Zaragoga. It seems that the only thing we can do for the present is to lease something near some base of supplies. I am in good health again, and am satisfied that I did the right thing in going to Washington to push the matter of lease payment and the issuance of patents. I will be over there not later than a week from Saturday and probably sooner. Trusting I may see you soon,

I am, very respectfully,

M. J. B.

Mr. EMBRY. I show you a letter, marked "Exhibit Clark No. 10," and ask you if you received that letter in due course?

Mr. CLARK. Yes, sir.

Mr. EMBRY. I offer that letter in evidence.

The letter reads as follows:

(Exhibit Clark No. 10.)

WASHINGTON, D. C., Jan. 17, 1905.

Mr. JOS. CLARK, *Oklahoma.*

DEAR SIR: The prospect here is good for getting what I came after, and I find that the Kickapoos would have been in my way had I brought them here at this time. On receipt of this I wish you would take the enclosed letter, go and see Andrew Whipple, Joe Whipple, and old man Whipple, as you know I feel very friendly to Joe, and I find that sooner or later Joe will be contested and lose his allotment down there, because he had already been the beneficiary of an allotment in Kansas many years ago. I can get him a patent to his land which will place it beyond any contest. As to Andrew, caution him to say nothing to anybody and tell him I have found a way out for him. I can get his allotment patented, and he can sell it, and take his allotment over in the Cherokee. This will give him money to go to Mexico with, as he has always wanted to. Of course it takes money to get these things done here, and he must agree to take some reasonable price for his land, so he can deed it to you and you can sell it and protect him and me both. See what he will agree to take for the land. Now, as to old Tom, he ought to have a title to his land, so he can have some money to live on in his old age. Make an agreement with him as to what he will take for his allotments and make a deed to you if I can get it turned loose. You will have to feel of Joe pretty carefully. If you find that he won't pay anything, or won't sell, don't want to sell, I don't think it is best to say anything about turning it loose. Please attend to this right away and write me fully. You might, if you have time, drop in and see Young and find out if you can how he is getting along with the O-ke-mak lease. As it looks now, I feel perfectly certain of getting and his wife's allotments, Jim Dare and his wife, Wah-nah-ke-the and his wife, and Me-me-mesh and his wife's patented.

I shall write you from time to time and try to keep you fully advised. The long-looked-for place to break Thackery's neck seems to be in sight; his stock is getting low here, though I am working entirely in the dark. I keep entirely away from the Indian Office, but am in close touch.

I enclose you the letters that I want the Whipples to sign.

Very respectfully,

M. J. BENTLEY.

SHAWNEE, O. T., Jan 23, 1905.

Mr. I. J. MARTELL, *Washington, D. C.*

DEAR SIR: I hear you are in Washington to look after some things for the Indians down there, and I would like to have you take hold and help me out. As you know, I am a Frenchman; I never made any claim of being an Indian, nor was ever accused of being one: but the Government, because I had been married to an Indian woman 50 years ago and had a son by her, allotted me with the Kickapoos. I am an old soldier, and draw a small pension through the Government; am so old that I can not work any more, and have but a few years to live. They say I am the oldest man in this county, and I guess I am. I am near the 100 mark. See if you can not get somebody in Congress to take pity on me and get me a patent to my land. If you will do this, if I never pay you, the Lord will reward you for your kindness.

Very respectfully,

Mr. EMBRY. I will ask you, Mr. Clark, if you can identify these letters attached to Exhibit Clark No. 10 as letters which Mr. Bentley referred to as being inclosed?

Mr. CLARK (after examining). Yes, sir; those are the letters.

The CHAIRMAN. Mr. Bentley says he thinks they are correct.

The letters referred to are as follows:

SHAWNEE, O. T., Jan. 23, 1905.

Mr. M. J. BENTLEY, Washington, D. C.

DEAR SIR: I have heard that you are in Washington, and I wish you would see the Indian Committee for me, as you know my half-sister lives over in the Cherokee Nation, and my mother's folks, and in fact all my kinfolks, except my father, lived over there. I would like to get a patent for my land here, so I could sell out and have something to do with over there. I have lived over there most of my life, and want to go back, and if you can, please take hold and help me out. This letter is intended to authorize you to speak for me before the committees of Congress.

Very respectfully,

ANDREW J. WHIPPLE.

(Sent it to Bentley at Washington, general delivery, and returned, etc.)

SHAWNEE, O. T., Jan. 23, 1905.

Mr. M. J. BENTLEY, Washington, D. C.

DEAR SIR: You have known me a long time, and can tell them down there what kind of an Indian I am. My father was a white man, and you have seen mother. No one would know we were Indians unless we told them, and I think it is time for the Government to turn us loose; and if it can be done, I would like to have a title to my land, so I can do what I please with my own business. My children are grown up and gone, and I am an old man now, and if you can, try to get my land patented. Please write and tell me what show there is.

Yours, truly,

SHAWNEE, O. T., Jan. 23, 1905.

Mr. M. J. BENTLEY, Washington, D. C.

DEAR SIR: I have heard that you are in Washington, and I wish you would see the Indian Committee for me, as you know my half-sister lives over in the Cherokee Nation, and my mother's folks, and in fact all my kinfolks, except my father, lived over there. I would like to get a patent for my land here so I could sell out and have something to do with over here. I have lived over there most of my life and want to go back, and if you can, please take hold and help me out. This letter is intended to authorize you to speak for me before the committees of Congress.

Very respectfully,

ANDREW J. WHITE.

(Sent it to Bentley at Washington, general delivery, and returned, etc.)

Mr. EMBRY. I show you a letter marked "Exhibit Clark No. 11," and ask you to examine it and state if that is your signature, Mr. Bentley.

Mr. BENTLEY (after examining). Those are my initials.

Mr. EMBRY. That is your handwriting?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. I offer that letter in evidence.

The letter is as follows:

*Exhibit Clark No. 11.*

WASHINGTON, D. C., Feb. 16, 1905.

JOSEPH CLARK.

DEAR FRIEND: I am still tied up here. The Indian bill will be the last one from present appearances and until it is out of committee I can not leave here. The committee has quarreled all this week and Hitchcock has quarreled with them and no one can tell what the outcome will be.

I shall most likely wire you when I leave here and I may come at any time and may not leave untill March 3.

Noten's money is going to be sent to Eagle Pass and George had better send his account down there. I don't want to write about it, so please see him. I hope you are well. I haven't heard a word from you since Jan. 6th.

Very truly,

M. J. B.

Mr. EMBRY. Mr. Bentley, I show you a letter, marked "Exhibit Clark No. 12," and will ask you if that is your signature.

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. I offer the letter in evidence.

*Exhibit Clark No. 12.*

SPOFFORD, Oct. 14, 1905.

Mr. CLARK: No wagons yet. I go to San Antonio to hunt them and will come back with wagons, or when they come will write you further to-morrow. I hand you herewith checks for Sallies baggage at Baroletan. Bette see conductor and get him to bring them up. He will do it if you explain that the Indians came up without baggage and that this is lost baggage. I sent her tent poles in my name by express. You can sign for them. I paid \$20 duty on Sallies stuff, which you should collect. I bought some harness at Eagle Pass and shipped it by express. Clark, I am not discouraged about location and am satisfied we will soon wind up. If Jones comes up stake him out with Anne until I come, and tell Anne the one-armed man will let her have \$5 worth of groceries each week. Will write you again. Take it cool and you will soon be well I hope.

Very respectfully,

M. J. B.

Mr. EMBRY. I show you a letter that is unsigned and ask you if you received that in the mail?

Mr. CLARK. Yes, sir.

Mr. EMBRY. I offer that letter in evidence.

The letter is as follows:

*Exhibit Clark No. 13.*

WASHINGTON, D. C., Feb. 6, 1905.

Mr. T. J. ANDERSON,

G. P. A. Southern Pacific System, Houston, Texas.

DEAR SIR: Mr. Joseph Clark, of our firm (M. J. Bentley & Co.), will take a large party of Indians from Shawnee to Mexico soon, and on account of which I request transportation for him from San Antonio to Eagle Pass and return, care of depot ticket agent, San Antonio, good until March 20. I am here promoting Indian legislation, and the prospect is good for getting what I want, which will result in a very considerable movement from both Indian Territory and Oklahoma to Mexican points. In this connection, I wish to direct your attention to the fact that I have no transportation for this year, which I wish you would be kind enough to arrange, and to forward, care depot ticket agent San Antonio.

Very respectfully,

Clark, if we should get the nonresident bill through, I want you to be ready to gather up Menopee and several who really belong down there.

The witness was thereupon excused.

JAMES E. JENKINS, having been first duly sworn, testified as follows:

Senator CURTIS. What is your name?

Mr. JENKINS. James E. Jenkins.

Senator CURTIS. Where do you live?

Mr. JENKINS. In Oklahoma City.

Senator CURTIS. I will ask you to state if, for a number of years, you were Indian inspector or special agent.

Mr. JENKINS. Yes, sir; from June 3, 1897, to January 31, 1906.

Senator CURTIS. I will ask you to state if there was a charge referred to you for inspection against L. C. Grimes, who at that time held a great many leases on the Kickapoo Reservation?

Mr. JENKINS. Yes, sir.

Senator CURTIS. Did you personally investigate that?

Mr. JENKINS. I did.

Senator CURTIS. And your report was based on a personal investigation?

Mr. JENKINS. Yes, sir.

Senator CURTIS. From your investigation into that case and from what you learned of Mr. L. C. Grimes did you consider him a fit man to have any business transactions with Indians?

Mr. JENKINS. I thought not at the time.

The witness was thereupon temporarily excused.

PERRY RODKEY, having been first duly sworn, testified as follows:

Senator CURTIS. What is your name?

Mr. RODKEY. Perry Rodkey.

Senator CURTIS. Where do you live?

Mr. RODKEY. I live in Okemah.

Senator CURTIS. How long have you lived there?

Mr. RODKEY. About five years.

Senator CURTIS. Before living at Okemah, where did you reside?

Mr. RODKEY. At Shawnee.

Senator CURTIS. Do you know Martin J. Bentley?

Mr. RODKEY. I do.

Senator CURTIS. How long have you known him?

Mr. RODKEY. About fifteen years.

Senator CURTIS. Did you ever live on the Kickapoo reservation?

Mr. RODKEY. I did not.

Senator CURTIS. Did you ever have any business transaction with Mr. Bentley with reference to Kickapoo lands?

Mr. RODKEY. I had one lease out here where the stock pens were, I and two more parties.

Senator CURTIS. Did you ever have any difficulty about it?

Mr. RODKEY. Not at all.

Senator CURTIS. Do you know anything about the Indians moving to Mexico?

Mr. RODKEY. I know they moved down there.

Senator CURTIS. Did you have a talk with anybody about their going there? Did Mr. Bentley ever say anything about their going there?

Mr. RODKEY. Well, we have had some little talk.

Senator CURTIS. Before they went or afterwards, tell what he said about it at any time.

Mr. RODKEY. They wanted to go to Mexico, and determined to go, and he said he would try to buy them a ranch down there.

Senator CURTIS. Did any of them tell you he was trying to induce them to go down there?

Mr. RODKEY. No, sir.

Senator CURTIS. Have you had any transactions with Mr. Bentley about any land that he has bought in the Indian Territory with Indian money?

Mr. RODKEY. No, sir.

Senator CURTIS. You have had no conversation with the Indians since they went to Mexico, those that came back, have you?

Mr. RODKEY. No, sir; not those that came back.

Senator CURTIS. Do you know any Indians who could throw any light on the question of these Indians being taken to Mexico by Mr. Bentley or anyone else?

Mr. RODKEY. Nothing but what the Indians told me years ago.

Senator CURTIS. What did they tell you?

The CHAIRMAN. And when?

Mr. RODKEY. It has been seventeen or eighteen years ago that we first began to talk to the Kickapoos.

Senator CURTIS. What did they say then?

Mr. RODKEY. They said they wanted to go to Mexico.

Senator CURTIS. Do you know anything about the deeds that were recently made?

Mr. RODKEY. No, sir.

Senator CURTIS. Have you had any talk with any of what are known as the Grimes or Chapman people with reference to deeds?

Mr. RODKEY. No, sir.

Senator CURTIS. Or the Bentley people?

Mr. RODKEY. No, sir.

Senator CURTIS. Have you had a talk with Mr. Bentley about the property he secured from the Kickapoo Indians and what he intended to do with it?

Mr. RODKEY. No, sir.

The CHAIRMAN. You say that seventeen or eighteen years ago you first talked to those Indians about going to Mexico?

Mr. RODKEY. Yes, sir.

The CHAIRMAN. Did you talk to them or did they come and talk to you?

Mr. RODKEY. I was in their village, and they talked to me.

The CHAIRMAN. Did they give you any reason why they wanted to go to Mexico?

Mr. RODKEY. At that time the United States marshals were pulling them around and taking them to Guthrie and causing them a great deal of trouble, and they wanted to get out of this country.

The CHAIRMAN. Where were they located at that time?

Mr. RODKEY. Near Kickapoo Springs.

The CHAIRMAN. How far is that from here?

Mr. RODKEY. Twelve or 15 miles.

The CHAIRMAN. What was their condition then as to agriculture, etc.?

Mr. RODKEY. They were just living in the village; I do not know how they lived.

The CHAIRMAN. They were not living on their land?

Mr. RODKEY. No, sir.

The CHAIRMAN. Was that before Mr. Bentley became agent?

Mr. RODKEY. Yes, sir; before they were even allotted, and before the treaty, really.

The CHAIRMAN. Who was their agent at that time, if you remember?

Mr. RODKEY. I do not know that they had any.

The CHAIRMAN. Do you know Mr. Bentley's connection with them?



Mr. RODKEY. I know he was their agent here afterwards.

The CHAIRMAN. Do you know anything about their allotments and whether they went onto their allotments and did any work?

Mr. RODKEY. Yes, sir; they went onto their allotments and fenced them and closed them.

The CHAIRMAN. How many went onto their allotments?

Mr. RODKEY. I can not state the number.

The CHAIRMAN. Were there a good many of them?

Mr. RODKEY. I presume there were 50 or 100 families; I do not know that there were quite that many families, but fully that many people. In fact, they were all—about all—on their allotments or on some of their relatives' allotments.

The CHAIRMAN. Who was agent when they went onto their allotments?

Mr. RODKEY. M. J. Bentley.

The CHAIRMAN. Do you know what their condition was as to their farms, etc.; whether they had fenced them or whether they had not, and cultivated the soil?

Mr. RODKEY. They fenced their farms and cultivated the soil and brought the products into town and sold them.

The CHAIRMAN. Are you familiar with their condition when Mr. Bentley left them; when he ceased to be their agent?

Mr. RODKEY. Yes, sir.

The CHAIRMAN. How did that condition compare with their condition when he first took charge of them?

Mr. RODKEY. When he first took charge of them they were a kind of wild, kicking band that no one could do anything with, and when he left them they were living on their land like white people.

The CHAIRMAN. Did they give you any detail reasons why they wanted to go to Mexico seventeen or eighteen years ago?

Mr. RODKEY. Well, afterwards they gave me the reason; that they were going to be forced to go on too little land; I presume those land allotments were too little land.

The CHAIRMAN. They did not want to go on their allotments?

Mr. RODKEY. No, sir.

The CHAIRMAN. Did they say anything about having relatives down in Mexico?

Mr. RODKEY. Yes, sir; they told me they had relatives there.

The CHAIRMAN. Kickapoo people?

Mr. RODKEY. Yes, sir.

The CHAIRMAN. How often did you hear them talk about those people?

Mr. RODKEY. I heard them talk frequently. I passed through their camp every week or so. I lived at that time at Keokuck Falls, and came back and forth from Keokuck Falls to Oklahoma City. That was a half-way place, and I usually stopped there for dinner. I got well acquainted with some of the leading Indians, and they had me come down to their tents and wanted me to advise with them. There was a man by the name of Walker who was with me, and finally got to be allotting agent of the Sac and Fox; they did not want to be allotted; they wanted to go out of the country.

The CHAIRMAN. They were opposed to allotment, were they?

Mr. RODKEY. Yes, sir.

The CHAIRMAN. They were opposed to the small land, as they said?

Mr. RODKEY. They were opposed to making the treaty and opposed to going on the land where they were allotted.

The CHAIRMAN. Did you ever hear them talk about the treaty after it was made?

Mr. RODKEY. Yes, sir.

The CHAIRMAN. What did they say about that?

Mr. RODKEY. The band that I talked to had nothing to do with it.

The CHAIRMAN. They would not recognize the treaty?

Mr. RODKEY. No, sir.

The CHAIRMAN. Was that the same band that went to farming under Mr. Bentley?

Mr. RODKEY. Yes, sir.

Mr. EMBRY. You say you live at Okemah?

Mr. RODKEY. Yes, sir.

Mr. EMBRY. How long have you lived there?

Mr. RODKEY. About five years.

Mr. EMBRY. At the time the town opened?

Mr. RODKEY. Yes, sir.

Mr. EMBRY. You were a partner of Mr. Bentley's, were you?

Mr. RODKEY. Down there I was; yes, sir.

Mr. EMBRY. You used to be here at Shawnee?

Mr. RODKEY. Yes, sir.

Mr. EMBRY. What is your first name?

Mr. RODKEY. My name is Perry Rodkey.

Mr. EMBRY. Were you not here at Shawnee once?

Mr. RODKEY. Yes, sir; I live here.

Mr. EMBRY. Were you associated with Mr. Bentley then?

Mr. RODKEY. He was not a partner; we were together.

Mr. EMBRY. You were associated with him in Indian matters, were you not?

Mr. RODKEY. Well, I do not know that I was in Indian matters very much with him.

Mr. EMBRY. To what extent were you associated with him in Indian matters?

Mr. RODKEY. I sold him some stock.

Mr. EMBRY. When there were to be Government mules purchased, you went out and sold them, did you?

Mr. RODKEY. Yes, sir.

Mr. EMBRY. How many times did you sell Mr. Bentley Government mules?

Mr. RODKEY. I do not know; they were not Government mules.

Mr. EMBRY. You went and bought mules to supply his requisitions, did you not?

Mr. RODKEY. I can not tell you how many times; I have no record of it. I have checks.

Mr. EMBRY. Here is a matter that I want to call your attention to. It is in the report of Charles H. Dickson, supervisor to the Commissioner of Indian Affairs, dated Anadarko, May 30, 1905. It relates to the contest of Claude I. Davis against Wa-pa-na-kes-ka-ka, an Absentee Shawnee allottee, No. 25. Mr. Dickson says:

With reference to this contest it is proper to state that Mr. William Davis, of Oklahoma City, Okla., the father of Miss Claude I. Davis, contestant, came to me at Shawnee Agency, Okla., and made a verbal statement in substance as follows: He said that while Martin J. Bentley was the agent for the Shawnees he, Bent-

ley, came to him and informed him that he could obtain the cancellation of allotment No. 25, Wa-pa-na-kes-ka-ka's, and advised him to go and see a certain attorney (Perry Rodkey) in Shawnee, and make the necessary arrangements (for payment therefor). This arrangement was that he was to deposit \$1,000 in the Oklahoma National Bank, to be paid out when he (Davis) should obtain a filing on this land by the cancellation of the said allotment. In accordance with this arrangement, and with the view of obtaining the cancellation of allotment No. 25 by the said Bentley, and through his efforts he, Davis, did deposit the said amount in the said bank, which amount was to be paid to the nominee of said Bentley when he should be able to obtain a filing on said land and when the said allotment should be canceled. When I questioned Mr. Davis as to whether the said deposit was made in favor of Mr. Bentley, he replied: "Oh, no; Mr. Rodkey was only a go-between;" that Bentley being agent, it would not do to have his name appear. He further said that he believed Bentley to be a rascal, and that no reputable person would trust him.

A part of the foregoing conversation took place in the presence of Superintendent Thackery.

Mr. EMBRY. Were you attorney in that case?

Mr. RODKEY. I am no attorney.

Mr. EMBRY. What do you know about that transaction?

Mr. RODKEY. I do not know much about it. If there was any money deposited to my credit I do not know anything about it.

Mr. EMBRY. What do you know about that Davis transaction?

Mr. RODKEY. I know that Davis had lived on an allotment over there; he was living on a piece of land across the river, but he never deposited any money to my credit for the Indians. I was never an attorney for him or anyone else. I never have acted as attorney and never posed as an attorney. I do not know anything about law.

Mr. EMBRY. Did you render any service in the cancellation of this allotment?

Mr. RODKEY. If I did I do not know it.

Mr. EMBRY. Well, you would know whether you did or not, would you not?

Mr. RODKEY. No, sir.

Mr. EMBRY. Do you know of an Indian case where Mr. Bentley was contesting?

Mr. RODKEY. No, sir; I know of no case of contest.

The CHAIRMAN. Did Mr. Dickson come to see you about this matter at all?

Mr. RODKEY. No, sir.

The CHAIRMAN. Do you know whether it was ever canceled or not?

Mr. RODKEY. I do not think it ever was; I do not believe it was.

The CHAIRMAN. You are not an attorney at all, you say?

Mr. RODKEY. No, sir.

The witness was thereupon excused temporarily.

JOSEPH CLARK recalled for further examination.

Mr. EMBRY. Mr. Clark, do you know whether or not the homestead of Mr. Martin J. Bentley, in this county was ever a canceled Indian allotment?

Mr. CLARK. It was.

Mr. EMBRY. Was it a Shawnee or Kickapoo allotment?

Mr. CLARK. Shawnee.

Mr. EMBRY. What do you know about that transaction?

Mr. CLARK. A Shawnee Indian by the name of Jameson told me one day that this Indian that this piece of land was allotted to had

two allotments; he was talking to Mr. Lee Wright, and I told Mr. Bentley. Mr. Bentley said, as near as I can tell you—of course this has been a good while back, but my recollection is that Mr. Bentley said, "Well, we are in the Indian service; neither one of us can do anything with it, but I will get a man to look after it; I will get a man and put him on there and we can get something out of it." He said, "I will see Perry Rodkey; you can take him out and show him the land."

Mr. EMBRY. Is that the witness who has just left the stand?

Mr. CLARK. Yes, sir; I took Mr. Rodkey out and showed him the land and drove around over it, and a Mr. Lyle went on to it, and about that time Mr. Lee Patrick put his father-in-law on it; it seemed they were both after it, and I think Mr. Lyle's man was a little bit quicker than Mr. Patrick's man, and Mr. Lyle bought it. I can not give you the name of Mr. Patrick's father-in-law, but anyway he bought him off.

Mr. THACKERY. Stratton?

Mr. CLARK. Yes, Stratton. He bought Mr. Stratton off. Then there was a man who had a lease on it; he was contending for it, too; he wanted it for a homestead, and Mr. Lyle had to buy this man off, Berry his name was. He bought Mr. Berry off, and I think they got Mr. Lyle off shortly afterwards, and then they put a young fellow by the name of Sol Williams on; Mr. Bentley did. There was another contest. A fellow named Douglas had a contest against Lyle; that was my understanding. Mr. Sol Williams filed on it, and Mr. Bentley—that was the time he was going to Mexico, that is, Sol Williams—and he thought he had found a gold mine down there and got kind of cracked over it, and Mr. Bentley said he was afraid he would sell the homestead and wanted me to put a contest on it. I told him no; I would not do that; and then he sent a contest to Mr. Ives at Delphi, Ind., and Mr. Ives put a contest against Sol Williams. My understanding is that the contest was for collusion with Perry Rodkey and others. Mr. Bentley then bought Williams off and Mr. Bentley filed on it himself. That is my understanding of it and all I know about it.

Mr. EMBRY. Was this Sol Williams the same person with whom Mr. Thackery had trouble, or who had charge of a car in which some Government mules were consigned to Mexico.

Mr. CLARK. Yes, sir; the same one.

Mr. EMBRY. What do you know about this Leonard Hampton contest out here?

Mr. CLARK. That was another double allotment. That was in the Kickapoo country. I also took Mr. Perry Rodkey out and showed him that and told him it was a fraudulent allotment or a double allotment—I suppose you would call it fraudulent, but I do not know who located Mr. Hampton on it, whether it was Mr. Rodkey or who did it, but Mr. Hampton went on it.

Mr. EMBRY. Did you have any talk with Mr. Bentley about it?

Mr. CLARK. Yes, sir.

Mr. EMBRY. What conversation did you have with Mr. Bentley about it?

Mr. CLARK. I do not remember just when the first conversation was about it, but Mr. Bentley said he was afraid some one would get on it and settle on it, and he had me go out and dig a dugout on it.

I went out and Mr. Bentley's brother-in-law went with me. I think we spent two or three days to dig a dugout on it; the dugout was about 20 feet.

Mr. EMBRY. Do you understand how much was to be paid in the event the cancellation was secured?

Mr. CLARK. I do not know about that.

The CHAIRMAN. This other piece of land that you put the improvements on, whose location or allotment was that?

Mr. CLARK. I could not tell you without looking at the rolls.

The CHAIRMAN. You say it was after Bentley went to Mexico with those Indians?

Mr. CLARK. No, sir.

The CHAIRMAN. Was it while he was in office or out?

Mr. CLARK. While he was in the office.

The CHAIRMAN. While he was Indian agent?

Mr. CLARK. Yes, sir.

The CHAIRMAN. How long ago was it when it commenced?

Mr. CLARK. It must have been—

The CHAIRMAN. Can you not give the name of the Indian or some one connected with it so that we can identify it?

Mr. CLARK. I can find out for you. I can not do it now.

The CHAIRMAN. You can not tell what year it was?

Mr. CLARK. I think it was 1900 or 1899.

The CHAIRMAN. Can you find out the name of the man who had the allotment—when you say double allotment, you mean that some man has had two allotments?

Mr. CLARK. Yes, sir; the Indian that this was allotted to had an allotment up here by Dale.

Mr. EMBRY. I will state to the committee that I have a full record of it here. This contest appears to have been sworn to on July 3, 1901—this Hampton contest.

The CHAIRMAN. I am not talking about the Hampton case; I am talking about the other. We have all the data about the Hampton case. Mr. Clark, can you get the data that we want—the name of the party who was claiming it and who contested it?

Mr. CLARK. Yes, sir; I can.

The CHAIRMAN. Will you do that and send it to me at Washington?

Mr. CLARK. Yes, sir. Do you want the name of the allottee?

The CHAIRMAN. I want all the information you can find out about it—who this Indian was, and whether he was one of Bentley's band or whether he was not.

Mr. CLARK. I will get it for you.

The witness was thereupon excused finally.

PERRY RODKEY, recalled for further examination.

Senator CURTIS. Just one question. You have heard Mr. Clark's testimony in reference to the Bentley homestead out here?

Mr. RODKEY. Yes, sir.

Senator CURTIS. I wish you would state what you know about that transaction?

Mr. RODKEY. Well, I know that that was canceled.

Senator CURTIS. What did you do about putting any man on it?

Mr. RODKEY. I took a man out and showed it to him, and he went on.

Senator CURTIS. Who was it?

Mr. RODKEY. A fellow named Lyle.

Senator CURTIS. At whose request did you do that?

Mr. RODKEY. Partly at Mr. Bentley's and partly through what I heard the agent say.

Senator CURTIS. What did Mr. Bentley say about it?

Mr. RODKEY. He said it was going to be canceled and was canceled.

Senator CURTIS. Who said that to you?

Mr. RODKEY. I think Mr. Bentley said it was or would be canceled.

Senator CURTIS. Was he then Indian agent?

Mr. RODKEY. I do not understand—not all that over there.

Senator CURTIS. What was that?

Mr. RODKEY. That was Shawnee.

Senator CURTIS. That was under Mr. Lee Patrick?

Mr. RODKEY. Yes, sir.

Senator CURTIS. It was not under Bentley?

Mr. RODKEY. No, sir; at least I found it out through Patrick's employees.

Senator CURTIS. You found it out through an employee of Patrick?

What did Mr. Bentley say to you?

Mr. RODKEY. I asked Mr. Bentley if such was the case; if that was going to be canceled, and he said it was.

Senator CURTIS. Did he ask you to put a man on there?

Mr. RODKEY. No, sir; he did not ask me to put a man on it; he said you can get a place if you want to; you can put some man on it and get that.

Senator CURTIS. Were you to get any pay for it?

Mr. RODKEY. Not from Bentley—not from anybody.

Senator CURTIS. Were you to give Bentley any pay if you got any out of the man you put on it—divide fees?

Mr. RODKEY. No, sir; I was not to get any.

Senator CURTIS. If you located a man on it were you to be paid?

Mr. RODKEY. No, sir.

Senator CURTIS. Do you know when Mr. Bentley entered that himself?

Mr. RODKEY. I know that he entered; I do not know just when.

Senator CURTIS. Was it before or after he was agent?

Mr. RODKEY. It was after.

Senator CURTIS. When was the allotment canceled, if you know; before or after his term of agent expired?

Mr. RODKEY. I think the allotment was canceled before.

Senator CURTIS. And that was under Mr. Patrick's administration of the Shawnees?

Mr. RODKEY. Yes, sir.

Senator CURTIS. What do you know about Mr. Hampton?

Mr. RODKEY. Mr. Clark took him out there and showed him a place that was a Government allotment, but I never did anything with it.

Senator CURTIS. Do you mean Mr. Joe Clark?

Mr. RODKEY. Joe Clark.

Senator CURTIS. At whose request did he take you out there?

Mr. RODKEY. I do not know; he just simply went.

Senator CURTIS. How many places were you shown where there were fraudulent allotments?

Mr. RODKEY. I was told there were four.

Senator CURTIS. Who told you?

Mr. RODKEY. Mr. Bentley told me of some.

Senator CURTIS. What ones did Mr. Bentley tell you of?

Mr. RODKEY. He told me of one over here by the schoolhouse south of here.

Senator CURTIS. Whose was it?

Mr. RODKEY. I do not know whose allotment it was.

Senator CURTIS. Did you put anybody on it?

Mr. RODKEY. No, sir.

Senator CURTIS. Did you get anybody to go on it?

Mr. RODKEY. No, sir; he told me of another one east of Tecumseh.

Senator CURTIS. How about that one; did you put anybody on that?

Mr. RODKEY. No, sir.

Senator CURTIS. Did you tell anybody about it and let them go on it?

Mr. RODKEY. I told some about it, but they did not go.

Senator CURTIS. What others did he tell you about?

Mr. RODKEY. He told me that this one right down here would be canceled.

Senator CURTIS. Which one was that?

Mr. RODKEY. The one you asked me about, the Davis case.

Senator CURTIS. Did you do anything about that?

Mr. RODKEY. I did not make any arrangements.

Senator CURTIS. Did you have any understanding with Mr. Bentley that he was to inform you of these fraudulent entries?

Mr. RODKEY. No, sir.

Senator CURTIS. Were you in the habit of inquiring about that?

Mr. RODKEY. No, sir; he just simply told me.

Senator CURTIS. How did it happen that this information got out; was it general?

Mr. RODKEY. I first learned this through a man over at Tecumseh years ago, and then we learned it through the school. My wife was then an employee at the agency over here, and she told me that she understood that there was going to be a place up there canceled.

Senator CURTIS. Was it the habit of the people working around those agencies to tell of dead allotments or void allotments?

Mr. RODKEY. I do not know; she just made the remark that that was going to be canceled.

Senator CURTIS. You got a good deal of information, not to have settled on any, did you not?

Mr. RODKEY. I did, but I did not settle on any of it.

Senator CURTIS. How did this man happen to give you the information if you did not take any of the land or try to get it?

Mr. RODKEY. The fact is, there was one place over there by the schoolhouse, and the party living on the land told me about that.

Senator CURTIS. You do not know how they happened to tell you about that over there, any of them?

Mr. RODKEY. I can not tell you the party, but a man by the name of Scott told me about these three allotments, that they were all illegal.

Senator CURTIS. Was Scott an agent here, or had he been an agent?

Mr. RODKEY. I think he had been years ago.

Senator CURTIS. You have forgotten his first name?

Mr. RODKEY. They always called him Doctor.

Senator CURTIS. He was an Indian trader, too, was he not?

Mr. RODKEY. I think he was, but I am not sure; he was an agent and lived up there.

Senator CURTIS. He was an Indian trader, you know that much?

Mr. RODKEY. Yes, sir.

Senator CURTIS. Did you have an understanding with these released agents that they were to notify you about allotments?

Mr. RODKEY. No, sir.

Senator CURTIS. Were the other men informed about it that you know of?

Mr. RODKEY. Yes, sir.

Senator CURTIS. Then it was common property here?

Mr. RODKEY. About those three claims, it seemed to be.

Senator CURTIS. Were you informed about any others than those four or five that you have mentioned?

Mr. RODKEY. I do not know that I was.

Senator CURTIS. Did you ever make any money out of those fraudulent allotments or cancellations?

Mr. RODKEY. If I got a dollar, I got a million. I never got a cent.

Senator CURTIS. You have made no money out of it?

Mr. RODKEY. No, sir.

Senator CURTIS. You were not in that business for making money, were you?

Mr. RODKEY. I was not in that business at all; I just simply happened to be talking about it and I told my friends; I suppose that I was told there were double allotments.

Senator CURTIS. Did you ever have an understanding with Mr. Bentley that he could cancel an allotment in your name?

Mr. RODKEY. No, sir.

Senator CURTIS. For any fees of any kind or character?

Mr. RODKEY. No, sir.

The CHAIRMAN. Did you say that Lee Patrick's employee told you first about it?

Mr. RODKEY. I learned it first over at the school through a man named Stratton.

The CHAIRMAN. Was he an employee of the office?

Mr. RODKEY. Mr. Stratton was there and I asked my wife who that was. She said that was Mr. Stratton. I believe he was Lee Patrick's father-in-law, but I am not sure. She said he was going to settle on a piece of land close to the school, and I asked her what piece of land and she told me.

Mr. EMBRY. How many of those cases, those double allotments, were you taken out and shown?

Mr. RODKEY. I do not think I was shown but two.

Mr. EMBRY. Which two?

Mr. RODKEY. I really do not know of but one, and that was the one west of here, the Hampton allotment.

Mr. EMBRY. Did Mr. Clark take you out there?

Mr. RODKEY. Yes, sir.

Mr. EMBRY. You talked to Mr. Bentley about that, did you?

Mr. RODKEY. I believe I talked to him about it.



Mr. EMBRY. You do not know whether you were shown the others or not?

Mr. RODKEY. No, sir; the others I went to myself.

Mr. EMBRY. But you talked to Mr. Bentley about all the others?

Mr. RODKEY. I talked to him about two of them.

Mr. EMBRY. How did Mr. Clark happen to take you to this allotment west of here?

Mr. RODKEY. He thought probably I could put somebody on there and they would file.

Mr. EMBRY. You found some improvements on there, did you not—a well and a dugout?

Mr. RODKEY. There was a dugout; I do not remember the well.

The witness was thereupon excused.

I. C. GRIMES recalled for further examination.

Senator CURTIS. Mr. Grimes, you were to deliver to the committee any papers and accounts that you have; you said you thought you had some at home. Will you now produce those accounts?

Mr. GRIMES. I have only just a little statement on a little book of the Mack Johnson land, and I have Py-u-ka, what she got; those are all I have.

Senator CURTIS. And you have lost the others?

Mr. GRIMES. Yes, sir; I settled up with money, and I had them in by coat pocket but I lost them.

Senator CURTIS. Have you any check or deed that you gave Conine for his property?

Mr. GRIMES. Yes, sir; I have two deeds; one for a piece of property in Harrah, which I gave him \$1,300 for.

Senator CURTIS. What is this check that you have handed me?

Mr. GRIMES. This is a check for that piece of land that I told you I bought and gave him \$1,300 for, the piece of property in Harrah.

The check referred to is as follows:

SHAWNEE, OKLA., Mar. 27, 1907.

State National Bank:

On delivery of deed, pay to the order of C. M. Cade, cashier, \$1,301.00 (thirteen hundred and one dollars).

MARTHA A. GRIMES.  
CARMEN CONINE.

Harrah.

Mr. GRIMES. I made the statement the other day that it was \$350. The property was \$650, and we had a mortgage on it of \$350. I had taken a deed subject to his mortgage of \$350, and I paid him \$300.

Senator CURTIS. You stated to me that you would like to make some statement about the charge of \$50 that appeared with reference to your signing a deed as guardian. It is in an account that was rendered here?

Mr. GRIMES. Yes, sir; I want to say that I never received a cent. If it is there, it is wrong. I do not understand it.

Senator CURTIS. Then, if it appears in Mr. Benson's account that he paid you \$50 for signing as guardian, what about it?

Mr. GRIMES. I leave it to them to explain, because I never got a cent and never charged them a cent.

The witness was thereupon excused, and the subcommittee took a recess until 8 o'clock p. m.

AFTER RECESS—EVENING SESSION.

NOVEMBER 20, 1907.

The committee reassembled at 8 o'clock p. m.

C. J. BENSON recalled for further examination.

Mr. EMBRY. Mr. Benson, do you know the tract of land adjoining what is known as the fair ground down here?

Mr. BENSON. Yes, sir.

Mr. EMBRY. That was an Indian allotment, was it not?

Mr. BENSON. Yes, sir.

Mr. EMBRY. I will ask you if you ever had any negotiations with Mr. Bentley looking to securing that allotment?

Mr. BENSON. I did, in connection with the fair ground association, of which I was a member.

Mr. EMBRY. Who are the members of that association?

Mr. BENSON. There were nine or ten.

Mr. EMBRY. Can you name some of them?

Mr. BENSON. J. M. Aydelott, H. T. Douglas, Perry Rodkey, J. M. Remington, and others.

Mr. EMBRY. What negotiations had you with Mr. Bentley about the purchase of this tract of land?

Mr. BENSON. We had been using this tract of land for a fair ground and of course we contemplated buying it whenever it could be bought under the law. We contracted with Mr. Bentley, or we agreed, rather, that he would get us that land for \$10,000 and would get the Indians to sign the deed, and when that deed was approved by the Secretary of the Interior we would pay him or give him a one-tenth interest in the profits from the sale or the resale of the land.

Mr. EMBRY. That negotiation or agreement was after the passage of the law providing for the sale of inherited Indian land, was it?

Mr. BENSON. Yes, sir.

Mr. EMBRY. And before the rule of the Secretary requiring that it be sold at public bids at the agency office. What did Mr. Bentley do in pursuance to that agreement?

Mr. BENSON. He got the deed signed. I do not know whether he got all the Indians to sign it. I think, though, they had all signed the deed and it was ready to transmit to the Department.

Mr. EMBRY. What was the consideration you were to pay for that deed?

Mr. BENSON. Ten thousand dollars. When the rule was changed by the Secretary requiring this land to be sold to the highest bidder—

Mr. EMBRY. Then what followed?

Mr. BENSON. We considered that our contract with Mr. Bentley was vitiated, and we made a public bid on the land and bought it in as the highest bidder for \$37,900.

Mr. EMBRY. That is after the Secretary changed the rule before the approval of your deed, which required that it be sold to the highest bidder under the new rule?

Mr. BENSON. Yes, sir.

Mr. EMBRY. At that sale you offered under the new rule, or your company bid and paid, how much?

Mr. BENSON. \$37,900.,

Mr. EMBRY. Under the original sale were you to have more or less of that tract of land than you got at the Department sale?

Mr. BENSON. We were to have all the 40 acres less the railroad right of way, amounting to about 43 acres, but the land that we acquired by the bid was only 33 acres, I believe.

Mr. EMBRY. And for that you paid the larger sum?

Mr. BENSON. Yes, sir.

Mr. EMBRY. Now, has Mr. Bentley sued you for commission on the sale of that land?

Mr. BENSON. Yes, sir.

Mr. EMBRY. Is that suit pending?

Mr. BENSON. It is, in the district court of Pottawatomie County.

Mr. EMBRY. How much is it

Mr. BENSON. Three thousand dollars.

Mr. BENTLEY. There was a written stipulation entered into in relation to that transaction, was there not?

Mr. BENSON. There was.

Mr. BENTLEY. Was it your recollection that that was entered into before or after the land was sold to the highest bidder?

Mr. BENSON. Before.

Mr. BENTLEY. Are you certain as to that?

Mr. BENSON. I am certain.

Mr. BENTLEY. I will ask to offer the contract in the record later. I have not got it at hand.

The CHAIRMAN. What was the date of it? Can you give it?

Mr. BENSON. No, sir; I can not.

The CHAIRMAN. Can you give it within a year?

Mr. BENSON. No, sir; I can not recollect now.

Senator CURTIS. You can not recollect the year?

Mr. BENSON. No, sir.

The CHAIRMAN. You did make a written agreement with Mr. Bentley, did you not?

Mr. BENSON. Yes, sir.

Senator CURTIS. The contract will speak for itself.

Mr. BENSON. Yes, sir; the contract will speak for itself.

Mr. BENTLEY. That was after I left the service that the contract was made, was it not?

Mr. BENSON. Yes, sir.

Mr. BENTLEY. How long was that after the time the first contract was attempted that the second contract was made?

Mr. BENSON. We only made one contract with you.

Mr. BENTLEY. The written contract I have refers to the deed made long after the deed that you have spoken of for \$10,000?

Mr. BENSON. No; that was made when we entered into the agreement with you to purchase the land for \$10,000, and we were all present in the rear, I think, of the Shawnee National Bank. Mr. Douglas, Mr. Aydelott, and others were there at the time.

Mr. BENTLEY. I will ask you to state what length of time expired between the time of the deed that was not approved and the land that was put up and actually sold?

Mr. BENSON. It must have been a year.

Mr. BENTLEY. Do you think perhaps it was little more than a year?

Mr. BENSON. It might have been.

Mr. BENTLEY. The town was growing very rapidly here at that time, was it not?

Mr. BENSON. Yes, sir.

Mr. BENTLEY. Do you recall at that time there was some feeling here toward me because I objected to the approval and took steps to prevent the approval of the \$10,000 deed you refer to.

Mr. BENSON. No, sir; I do not remember that.

Mr. EMBRY. If I understand, that \$10,000 deed was one that Mr. Bentley procured for you, was it not?

Mr. BENSON. There was a new deed made on the second transaction which Mr. Bentley I do not believe had anything to do with.

Mr. EMBRY. A new \$10,000 deed?

Mr. BENSON. No; a new deed—

Mr. EMBRY. I am talking about the \$10,000 deed. The first one was the one that Mr. Bentley secured for you, was it not?

Mr. BENSON. Yes, sir.

Mr. EMBRY. Was it approved by the Department?

Mr. BENSON. No, sir.

Mr. EMBRY. It was disapproved, was it?

Mr. BENSON. It was not submitted.

Mr. EMBRY. I understood that the rule was changed in the meantime?

Mr. BENSON. Yes, sir.

The witness was thereupon excused.

FRANK A. THACKERY recalled for further examination:

Mr. BENTLEY. With the permission of the committee I would like to ask Mr. Thackery a few questions.

The CHAIRMAN. Very well.

Mr. THACKERY. I want to ask the privilege, if you please, if Mr. Bentley is going to examine me, to have the same privilege of examining him. Otherwise, I would like to have him submit his questions through the committee.

The CHAIRMAN. He can submit them through me if you object to his asking them. Mr. Thackery, has it been your claim that Mr. Bentley secured the departure of these Indians for Mexico?

Mr. THACKERY. It has been my claim that he was very largely responsible for their removal. I will add that it is probably true that some of the older members wanted to go.

The CHAIRMAN. What condition did you find these Indians in when you took possession of this office?

Mr. THACKERY. As I testified yesterday, they were very uneasy and came to me frequently, saying they understood I was going to steal their children and put them in school.

The CHAIRMAN. I do not care about your going into that again. I am speaking of their conditions—what they were doing on their farms. Now, go on and tell us whether they had improved these farms; and, if so, to what extent.

Mr. THACKERY. I do not know who had improved the farms. The lessees were on many of them, but I could not say that the Indians had improved them.

The CHAIRMAN. Tell me what the condition of the improvements on their allotments was?

Mr. THACKERY. There were little houses on some of them, and part of it was in cultivation. The facts are, the first year I did not become very familiar with their allotments. I had too much to do in becoming familiar with the office work.

The CHAIRMAN. You found a number of them living on their places, did you not?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. And they had put out some orchards, and other places were fenced, were they not, by many of them?

Mr. THACKERY. I recall one Indian who had an orchard only.

The CHAIRMAN. Only one?

Mr. THACKERY. There were several others that were fenced. A good many others were fenced.

The CHAIRMAN. You say there was but one orchard that you recall?

Mr. THACKERY. That is the only one I recall at this time.

The CHAIRMAN. Did they have tools and teams, etc.?

Mr. THACKERY. Many of them had their farm outfits.

The CHAIRMAN. What did the farm outfits consist of?

Mr. THACKERY. What you just referred to, harness, wagons, teams, and plows purchased by the Government, for the most part, and issued to them.

The CHAIRMAN. We understand that; we do not suppose Mr. Bentley purchased them. Were they cutting hay? Did you have hay balers?

Mr. THACKERY. There was a Government hay baler that was used in common.

The CHAIRMAN. Were they selling any products, like hay, etc.?

Mr. THACKERY. I think they were selling it here in town every year.

The CHAIRMAN. Did you buy any of their products?

Mr. THACKERY. Not that I recall at this time.

The CHAIRMAN. I think you said the other day that you did not know anything about their going to Mexico until you went down there, or saw them there. What was that you said?

Mr. THACKERY. I did not know anything about their going to Mexico until I went down there.

The CHAIRMAN. You do not know that they intended to buy any land in Mexico until after you went down there? That was the first you heard of it, I think you said?

Mr. THACKERY. I testified to that yesterday.

The CHAIRMAN. Did you not say yesterday that the first you heard of their buying these ranches down there was when you went down there?

Mr. THACKERY. I do not recall what my testimony was.

The CHAIRMAN. When, if you first heard of it, was it that they wanted to buy land and wanted to settle there?

Mr. THACKERY. I first heard that they wanted to settle there about the time I came here; that is, these older members. That was the scheme.

The CHAIRMAN. Did you understand they wanted to go down there without purchasing any land?

Mr. THACKERY. My understanding at the time—in fact, I did not know whether they were going down to live with these Nacimientos

Kickapoos or to purchase a tract of their own. I think the inference was that they were to live with those other Indians.

The CHAIRMAN. Did you not know a long time ago that the Mexican Government was not willing that they should go to live there with the old-timers?

Mr. THACKERY. I had understood that they had required our Government to bring back a certain portion of them a number of years ago.

The CHAIRMAN. I am not going back to that. That was before you were born. What I want to know is if you did not know when they went down there a few years ago that the Mexican Government said they might buy land, but they could not go and live with these Indians who had a Mexican reservation.

Mr. THACKERY. I do not know anything about that; no, sir.

The CHAIRMAN. You did not approve of their going down there, did you?

Mr. THACKERY. I did not think it was to their best interest; no, sir.

The CHAIRMAN. Did you think they would have remained and been contented here with any agent?

Mr. THACKERY. Yes, sir; I certainly do, without any outside interference.

The CHAIRMAN. Well, they were contented with you, were they?

Mr. THACKERY. They were not, because of that man's schemes [indicating Mr. Bentley].

The CHAIRMAN. You allege, then, that Mr. Bentley is the cause of their desiring to leave here?

Mr. THACKERY. Yes, sir; I do.

The CHAIRMAN. That has been your position, and you have repeatedly notified the Department that that was the trouble. You did not say that Mr. Bentley wanted them to go, and you did not want them to go. Is not that the fact?

Mr. THACKERY. Well, that is it in a way; yes, sir.

The CHAIRMAN. You have been quarreling with Mr. Bentley ever since you came down here, have you not?

Mr. THACKERY. Most of the time; yes, sir.

The CHAIRMAN. Have you not been all the time? Has there been any time when you have not been in a quarrel with him?

Mr. THACKERY. He has had me answering charges to the Department.

The CHAIRMAN. And you have had him answering charges, have you not, when certain inspectors were here inspecting Mr. Bentley? Had any inspector ever come here to examine Mr. Bentley's affairs in connection with these Indians who did not come on your application?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Can you tell who?

Mr. THACKERY. Yes, sir; Eugene McComas.

The CHAIRMAN. Any other?

Mr. THACKERY. He came here to investigate some charges that Mr. Bentley had made against me, that I was in cahoots with Lee Patrick in buying some mules. It seems I called his attention to some irregularities of Mr. Bentley, which he later investigated.

The CHAIRMAN. What kind of a report did he make?

Mr. THACKERY. I think he sustained Mr. Bentley.

The CHAIRMAN. That is published, is it not, in this record already?

Mr. THACKERY. I do not know whether it is or not.

The CHAIRMAN. You have several reports in here that Mr. Goode put in?

Mr. THACKERY. I do not know which are and which are not.

The CHAIRMAN. You have never read the record?

Mr. THACKERY. I have read part of it.

Mr. BENTLEY. I would like to read a statement here to know if Mr. Thackery was present before the Senate committee when the statement was made by me to the Senate committee on March 30, 1906, page 353 of Appendix "B." The statement is as follows:

Mr. BENTLEY. The Indian is as sensible as you are that the white race will follow him across the Rio Grande and, realizing this condition, he had selected an ideal place for his home, which, however, we were not able to secure.

This land that they had been hoping to secure is land that they themselves have selected. It is land that the older ones among them have known for forty years. It is an enormous basin surrounded by high and rugged mountains and by a country that can never be occupied by white men. It is conglomerate and limestone, and the same character of country as is found across the Rio Grande River in Texas. This basin contains 238,000 acres of fine grazing and farming land, with numerous wells and artificial lakes, and now has grazing upon it more than 10,000 of white-faced cattle. Two hundred and fifty head of American horses are on it, with several thousand goats in the mountains. The canyons are timbered with linwood and hard maple and timber that is indigenous to New York and Vermont. The natural increase of these cattle would provide the Indians with their beef and they would never miss it. The surplus cattle that would be annually sold would provide for their limited necessities other than the farm products they would raise. Were they permitted to acquire this property, as I have stated before, these Indians would have a home and land long after the other Indians in this country will have nothing.

The CHAIRMAN. Do you remember when Mr. McLaughlin, a Government inspector, came here?

Mr. THACKERY. Yes, sir; I do.

The CHAIRMAN. Did he not come on your application?

Mr. THACKERY. No, sir; he did not.

The CHAIRMAN. What did he come for?

Mr. THACKERY. He came here from Anadarko.

The CHAIRMAN. What did he come here for?

Mr. THACKERY. To investigate some matter or to stop double allotments or something of the kind that referred to some matter he was investigating at Anadarko.

The CHAIRMAN. Whom did you send to assist him?

Mr. THACKERY. At the request of the inspector, I permitted Mr. Alfred to go with him.

The CHAIRMAN. Mr. Alfred was a clerk in your office, was he?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. You have made a report, had you not, on this matter before?

Mr. THACKERY. I really do not recall. I will look it up, and if I have I will give it to you.

The CHAIRMAN. What was the name of that allottee?

Mr. THACKERY. Titus McCoy.

The CHAIRMAN. What do you know about it, whether there was a man named Titus McCoy or not?

Mr. THACKERY. I know only what Mr. Alfred has told me about these people.

The CHAIRMAN. Then you do not know anything about it?

Mr. THACKERY. Not directly.

The CHAIRMAN. But you reported there was such a man?

Mr. THACKERY. I reported on the strength of the evidence I had; if I made a report; I do not recall at this time that I made a report. I think the inspector made it.

The CHAIRMAN. Did you make some report against Mr. Bentley—

Mr. THACKERY. I say I do not recall making a report. Mr. Inspector McLaughlin was investigating the case. If I did report my records will show, and I will be glad to give you a copy.

The CHAIRMAN. You say you do not know that you reported on the McCoy matter?

Mr. THACKERY. I do not recall at this time.

The CHAIRMAN. What was your theory about it, that the Titus McCoy allotment was a legal allotment?

Mr. THACKERY. I thought there was such an allottee here with the Shawnee.

The CHAIRMAN. You thought there was?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. What was finally held about it, that there was or was not?

Mr. THACKERY. Really, I do not remember. The records will show that.

The CHAIRMAN. Do you remember that Mr. Alfred, your clerk, went with McLaughlin?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Did you ever see McLaughlin's report?

Mr. THACKERY. I think I never read it. I never saw it. I do not recall at this time that I have ever seen it. May I explain the matter here?

The CHAIRMAN. Certainly, if you will be brief.

Mr. THACKERY. In several cases where I have reported on double allotments I have taken a position, and I have taken it for this reason: First, I will state my position, that ordinarily an Indian should be required to retain his first allotment regardless of the quality. My reason for that is if you allow the rulings to be otherwise it leaves open room for parties, where there is an Indian who has the blood of two tribes—it leaves open room for parties interested in improper methods of obtaining fees in these matters to secure a double allotment for that Indian under another name, and then have one of them canceled and get a homestead fee out of somebody.

The CHAIRMAN. Your position was that when there was two allotments, if they had been made by the same person, he must take the one he first made?

Mr. THACKERY. Ordinarily, but—

The CHAIRMAN. Was this a case of two allotments or a case where there was a false allotment?

Mr. THACKERY. My recollection is that Bill Johnson and Titus McCoy were found to be one and the same person.

The CHAIRMAN. You do not know how it came out? I do not want to go into those things to-night at length.



Mr. THACKERY. I do not remember at this time; no, sir. I was not present when it was taken. Major McLaughlin wrote me a letter from Anadarko saying he was coming here, and he said he wanted to see these parties and asked me to have them at the agency. My recollection is that I sent for them, and they are members of what we term the Kicking Shawnees, and they would not come.

The CHAIRMAN. And he did not see them?

Mr. THACKERY. The inspector came here, but did not find them here, and I explained to him why I could not get them here, and he asked me who was a good interpreter, and I told him Mr. Alfred, and he went with Mr. Alfred and another one of the clerks there down to their camp, and I understand took testimony there in the camp.

The CHAIRMAN. Did he see them, do you think?

Mr. THACKERY. Certainly, I do.

The CHAIRMAN. But you do not know what he reported?

Mr. THACKERY. No, sir; I do not remember what he reported. I think it was to the effect that Mr. Bentley had been guilty of some improper action in the matter. That is my recollection.

The CHAIRMAN. But you do not know what that was?

Mr. THACKERY. No, sir.

The CHAIRMAN. And you had not interest enough to read his report after it was made?

Mr. THACKERY. I had no access to it. We do not have the inspectors' reports; they are sent to the Secretary of the Interior.

The CHAIRMAN. But you do have them sometimes, do you not?

Mr. THACKERY. Very seldom.

The CHAIRMAN. You certainly had the report of Mr. Jenkins, did you not?

Mr. THACKERY. I had part of it. It was quoted back to me by the Department in a letter.

The CHAIRMAN. Did you ever call for Mr. McLaughlin's report at all from the Department?

Mr. THACKERY. No, sir; I do not remember that I ever did.

The CHAIRMAN. And you have no recollection as to what the decision was?

Mr. THACKERY. No more than what my inference was all the way through from what he and Alfred said. As I say, it showed some wrong dealings of Mr. Bentley in the matter.

The CHAIRMAN. What did Mr. Bentley do that was wrong about it?

Mr. THACKERY. The inference, as I understand it, was that he knew this party had received this allotment here with the Shawnees, and through his efforts he had secured another allotment at Anadarko. I think Mr. Alfred testified in the case that he had been employed by Mr. Bentley as surveyor, and that he had surveyed this identical Shawnee allotment for him with a view to tracing the lines to have it fenced or something just prior to this occasion.

The CHAIRMAN. Do you know what the records show?

Mr. THACKERY. No, sir.

The CHAIRMAN. Do you know what the proof was in the case?

Mr. THACKERY. No, sir, I do not.

The CHAIRMAN. You do not know anything about it?

Mr. THACKERY. I know, as I told you, what I have heard and what I understood the outcome was. I never saw the report that I know of.

The CHAIRMAN. Did Mr. McLaughlin see Mr. Bentley and talk with him?

Mr. THACKERY. He came to his house to see him, or tried to see him. I drove him over to his house.

The CHAIRMAN. Was Mr. Bentley away?

Mr. THACKERY. I think he had gone.

The CHAIRMAN. Do you know that he did not see Mr. Bentley?

Mr. THACKERY. Yes, sir; he did not.

The CHAIRMAN. Do you not know that he did not?

Mr. THACKERY. No, sir; I do not know that he did not.

The CHAIRMAN. In his report he says he did not.

Mr. THACKERY. Then I suppose he did not.

The CHAIRMAN. Do you not know in a general way that through his prejudice toward Mr. Bentley that Bill Johnson has been deprived of very valuable land, worth seven or eight thousand dollars, and one retained for him that does not belong to him—that he could not legally hold—and that is practically worth nothing, and only half the quantity of land? What do you know about Bill Johnson's allotment?

Mr. THACKERY. I do not think I ever saw it. I understood it was not a very good allotment.

The CHAIRMAN. Do you know anything about his original allotment; when that was contested? Do you know what kind of an allotment it was?

Mr. THACKERY. The one at Anadarko?

The CHAIRMAN. I do not know where it is.

Mr. THACKERY. I know nothing of that one over there, and very little of this one; only I know it is in a poor farming district and in a poor country.

The CHAIRMAN. Titus McCoy got it, did he?

Mr. THACKERY. My understanding is that Titus McCoy and Bill Johnson is the same person.

The CHAIRMAN. You did not know whether Titus McCoy got the claim, or whether he did not, as I understand?

Mr. THACKERY. Well, I think, as I understood it, the finding was that they were one and the same person. We have frequently cases on the Indian rolls where they are allotted under one name and later on they get another name and they are not known by their allottee name. It is frequently an English name. The allotting agent sometimes gives them an English name that is not known among the Indians.

The CHAIRMAN. Who made this Kickapoo allotment?

Mr. THACKERY. I understood it was made by Moses McNeil.

The CHAIRMAN. Were they made before you came or after?

Mr. THACKERY. Before I came. I will explain that, as I explained in the case that you refer to. I did not know this boy by that name. I suppose you mean the Rufus Coon case. I did not know what kind of a piece of land that was there. That is, all I know is he received this one first, and my theory was that he ought to keep the first allotment.

Senator CURTIS. Do you not know in all these agreements with the Five Civilized Tribes it was provided that if any member of the Five Civilized Tribes was entitled to enrollment in any other tribe by reason of blood, he could select which allotment he would take?

Mr. THACKERY. No, sir; I do not.

The CHAIRMAN. Their agreement with the Five Civilized Tribes provides that.

Mr. THACKERY. I am not at all familiar with any of the provisions with respect to the Five Civilized Tribes. We have never had anything to do with them.

Mr. BENTLEY. I will ask the witness to state if he did not prepare in his office an affidavit from this Rufus Coon to the effect that I had never advised him that he had an allotment in the Creek Nation, and that I had never seen the man, and did not know anything about him?

Mr. THACKERY. If you will permit me, I will be glad to call for the record. It shows for itself.

Senator CURTIS. Why can you not report to us on it?

Mr. THACKERY. I can. This boy and some old lady, his grandmother, I think, came there and made this affidavit without any solicitation from me. I prepared it on their request.

Senator CURTIS. The determination of the matter was that the boy retained, with your opposition, the Creek allotment?

Mr. THACKERY. Yes, sir; he did.

The CHAIRMAN. Did he get the one that you thought he was entitled to?

Mr. THACKERY. I would not say it in that way. It came out against my recommendation. As I say, I based my recommendation on the theory that when they were once allotted that ought to settle it.

The CHAIRMAN. He got the one that you opposed his getting, did he?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. What has been your position in this land controversy here in relation to freely delivering to Grimes and Benson and those who are opposed to Ives the trust patents that were in your office? Mr. Thackery, the Department sends to you, as I understand it, the patents that come out?

Mr. THACKERY. They were in the office when I took charge, except what had been delivered to the Indians.

The CHAIRMAN. I suppose you delivered those long ago?

Mr. THACKERY. They have been delivered as they have been called for by the Indians. Not many of them have been delivered.

The CHAIRMAN. Why not?

Mr. THACKERY. They did not want them. They just left them there.

The CHAIRMAN. They did not want them, or did they just neglect them?

Mr. THACKERY. They are probably safer there than in their own hands.

The CHAIRMAN. They have refused to take them, you say?

Mr. THACKERY. No, sir; they have not refused.

The CHAIRMAN. Have you delivered the patents to Mr. Ives that he claims they are entitled to receive?

Mr. THACKERY. Except in the seven cases, yes.

The CHAIRMAN. In the seven cases, you have not delivered them?

Mr. THACKERY. No, sir.

The CHAIRMAN. There was an act of Congress on that subject, was there not, that they should be delivered, that the fee simple patents should be delivered?

Mr. THACKERY. That is something about the issuance of fee-simple patents. These are trust patents.

The CHAIRMAN. You have not delivered any patents, have you?

Mr. THACKERY. I have delivered trust patents.

The CHAIRMAN. You have not delivered any patents to Mr. Ives, have you?

Mr. THACKERY. No, sir; not that I recall. He never asked me for any excepting these seven.

The CHAIRMAN. On the seven pieces you have declined to issue any patents to him. You have some patents in the office there for these other pieces?

Mr. THACKERY. I have some trust patents; yes, sir.

The CHAIRMAN. Well, they are patents. You have not delivered them to him?

Mr. THACKERY. No, sir.

The CHAIRMAN. You have delivered to Grimes the patents he got, have you not?

Mr. THACKERY. I have offered to deliver the patents to either party.

The CHAIRMAN. You have not offered to deliver the patents to Mr. Ives; you have not delivered him the seven patents?

Mr. THACKERY. No, sir.

The CHAIRMAN. He has claimed them, has he not?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. And you have delivered to Grimes all the claims, have you not?

Mr. THACKERY. I have delivered to either of them what they claimed.

The CHAIRMAN. That is not the question. Have you delivered them to Grimes?

Mr. THACKERY. Yes, sir. I want to explain. I have the right to draw the difference.

The CHAIRMAN. I want you to say what you have done?

Mr. THACKERY. I want the record to show that I have not refused Mr. Ives any except these seven.

The CHAIRMAN. I have not asked you about any but the seven. Confine yourself to the seven that I asked you about. Mr. Grimes has purchased them and those he has got his patent for without any approval. I want to know if you have not delivered to Grimes every patent that he has claimed.

Mr. THACKERY. No, sir.

The CHAIRMAN. What does he claim that you have not delivered?

Mr. THACKERY. I do not think I have ever delivered to Mr. Grimes any patent.

The CHAIRMAN. Mr. Grimes said you had on the stand, and that you had delivered to him all the leases on the land that he had bought.

Mr. THACKERY. That is a mistake.

The CHAIRMAN. That is not land he bought up here. That is land that he said he had bought that was put up and sold.

Mr. THACKERY. I understand——

The CHAIRMAN. Now, for those he has his patents, and he said you had surrendered to him all leases. That is not true, is it?

Mr. THACKERY. No, sir; it is not true. I have not surrendered to him all the leases or patents either.

The CHAIRMAN. Well, have you delivered them to Benson?

Mr. THACKERY. I have delivered some of them to Benson.

The CHAIRMAN. What are your relations with Benson?

Mr. THACKERY. They have usually been cordial.

The CHAIRMAN. Has Benson ever made you any present?

Mr. THACKERY. None whatever that I remember at this time.

The CHAIRMAN. Have you been in the habit of receiving presents from people doing business with the office?

Mr. THACKERY. No, sir.

The CHAIRMAN. State whether or not it is not a fact that you and the trader, Graham, have been on such terms of friendship that you have annually made hunting trips together.

Mr. THACKERY. I made one trip this year.

The CHAIRMAN. I do not think we will go into that. A man might go on a hunting trip with a thief and not be a thief himself. I want to ask Mr. Thackery about something that we have not been talking about. Do you think it is a good thing to allow a trader's store in the immediate vicinity of these Indians?

Mr. THACKERY. I can not help myself over there. It is his own property.

The CHAIRMAN. You do not have any control over this store at all?

Mr. THACKERY. None whatever. It is on his own property.

The CHAIRMAN. They are on their own lands, are they?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Do you have any regulation to enable you to determine what the prices shall be?

Mr. THACKERY. None whatever, except under the present ruling or holding we have authority over the money. We do not have to pay it out until we are satisfied what it is for.

The CHAIRMAN. He has, under the present rule, to submit to you his account, has he?

Mr. THACKERY. He has, if he can not get it otherwise.

The CHAIRMAN. He is not obliged to do that if he can get it without?

Mr. THACKERY. No, sir. There is no regulation at all from the Department governing his business at all.

The CHAIRMAN. I do not see exactly how you could have any.

Mr. THACKERY. I can refuse to pay out the money if I think the debt is improper, where it is submitted to me.

The CHAIRMAN. But he does not submit them to you.

Mr. THACKERY. He has not lately. He did for a while. They have been having a good deal of money lately.

The CHAIRMAN. I have asked you to send me a list of all the leases, have I not?

Mr. THACKERY. I do not think you did, Senator; I did not understand it.

The CHAIRMAN. I want them if I did not ask you.

Mr. THACKERY. You want a list of all the leases?

The CHAIRMAN. I want to know how many leases the Government has approved.

Mr. THACKERY. For all the Indians I have charge of, the Pottawatomies?

The CHAIRMAN. Yes, for all you have charge of—the Shawnees and Kickapoos, the Absent Shawnees and the Kicking Kickapoos.

Mr. THACKERY. Do you mean the Big Jims?

The CHAIRMAN. Yes, I want to know generally—Smith has leased so and so for this piece of ground, and he paid so much, and to whom this money was paid, or to whom it is to be paid.

Mr. THACKERY. Very well; I have a statement here. This is a statement that shows the amount we have paid; the statement of our leased ground showing what has been paid and what has not been paid, and when, up to date.

The CHAIRMAN. It will be very easy for you to make out such a statement?

Mr. THACKERY. Yes, sir; I will be glad to prepare it.

The CHAIRMAN. Now, there is lease money due a great many Indians out there, is there not?

Mr. THACKERY. Not very much.

The CHAIRMAN. Well, about how much?

Mr. THACKERY. I know I have been getting some complaints from Indians. I do not know whether they are truthful—they are not getting their lease money. There is only, comparatively speaking, a very small balance of lease money due to these people down there now. I will be glad to prepare you a list, a statement showing each one. Do you want this list to show what has been paid?

The CHAIRMAN. I want you to show me what leases you have, and if any money is outstanding on them I want to know what it is and to whom you have paid the money that has been paid, whether you have paid it to the individual or his guardian, or grandmother, or some one else, or to some attorney?

Mr. THACKERY. Very well.

The CHAIRMAN. There are some people over in Mexico connected with these Kickapoo Indians, and perhaps a few Shawnees over there, that have some lease money coming to them, are there not? Has Johnny Mine any lease money coming to him?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. How much is coming to him?

Mr. THACKERY. I can only approximate it. It is somewhere between \$200 and \$300. I will state that I drew a check to pay that to him when I was down there last year and offered it to him personally, but he refused to take it. I have the void checks now. He would not take them.

The CHAIRMAN. What reason did he give?

Mr. THACKERY. He said that Mr. Bentley had told him if he signed for me he would be putting his name on a deed, and he was afraid to do it.

The CHAIRMAN. You could have paid him the money, could you not?

Mr. THACKERY. I could not, because the regulations at that time required me to check on the subtreasury to keep me from skinning the Indians, I suppose.

The CHAIRMAN. Has not John been here to the office?

Mr. THACKERY. No, sir.

The CHAIRMAN. He never called on you for money?

Mr. THACKERY. Here, do you mean, at this time?

The CHAIRMAN. I mean at your office.

Mr. THACKERY. I think I refused him over here at one time.

The CHAIRMAN. Why.

Mr. THACKERY. Because I had an order not to pay him.

The CHAIRMAN. From whom did you get that order?

Mr. THACKERY. From the Department.

The CHAIRMAN. Did you advise the Department to issue that order to you?

Mr. THACKERY. I think I have advised them from time to time when things were in a commotion down there that it was not well to pay them at that time.

The CHAIRMAN. Is it not a fact that you have not paid any lease money over there except when you are compelled to? That perhaps you sent somebody over there like Goode and Outcalt and then you may have sent some——

Mr. THACKERY. Whenever I have gone down there, or any Department official has gone down, we have endeavored to send them what belonged to them.

The CHAIRMAN. Did you pay any to them when you were down there this year?

Mr. THACKERY. I paid a small amount. Mr. Outcalt paid some for me. After I came away many of those checks that were paid were indorsed, and the names were on the back of them here witnessed by Mr. Bentley. The checks will show that.

The CHAIRMAN. I suppose you paid some, but you have not paid them all. Now, you have had guardians appointed for a large number of adult Indians, have you not?

Mr. THACKERY. I have had myself appointed wherever I could.

The CHAIRMAN. And you have the money?

Mr. THACKERY. None of these in Mexico, only these one or two that have been run out.

The CHAIRMAN. We had a claim from some woman, Ne-pa-hah, who claimed she had not received her rent money and whom you claim to be guardian, I think. Why were you to be the guardian of these adult Indians, and under what law did you get it?

Mr. THACKERY. I took that step immediately upon my return from Mexico. In the first place, I thought that under the full meaning of the law they were incompetents. My object, though, in taking it at that particular time was to prevent Mr. Bentley or anybody else from running them out of the country to get deeds under this act of June 21, 1906.

The CHAIRMAN. You have taken a great deal of pains to see that Mr. Bentley did not get deeds, have you not?

Mr. THACKERY. No, sir; no more than the others.

The CHAIRMAN. I did not ask you about the others. I will ask you later about that. You have taken a good deal of pains to see that Mr. Bentley got no deeds?

Mr. THACKERY. Do you mean in these guardianship cases?

The CHAIRMAN. In any cases.

Mr. THACKERY. No, sir; I have not taken any steps to prevent him from getting a deed on any land.

The CHAIRMAN. Were you not notified in the public press of a declaration that their title was good for nothing, the title to these seven pieces that he had, or any pieces that he might have bought?

Mr. THACKERY. I think I gave a statement at one time to a paper in Oklahoma City about that.

The CHAIRMAN. I do not remember what the paper is, but I have seen clippings from it attributed to you.

Mr. THACKERY. I talked to some newspaper man, I remember, in Oklahoma City at one time.

The CHAIRMAN. It has been published in this town, has it not, the same statement?

Mr. THACKERY. I do not remember talking to any newspaper man.

The CHAIRMAN. Now, be fair.

Mr. THACKERY. I am as fair as I know how to be.

The CHAIRMAN. You had a fight with Mr. Bentley, did you not?

Mr. THACKERY. I certainly have had.

The CHAIRMAN. And you have done everything you could to prevent Mr. Bentley from carrying out what he thought was a good scheme for the Indians, because you did not think it was a good scheme?

Mr. THACKERY. That is it exactly.

The CHAIRMAN. You thought his scheme bad, and therefore you have done everything you could to frustrate it?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. You have represented to the Department that he was irresponsible?

Mr. THACKERY. And that he had no property in his name.

The CHAIRMAN. And that he was really pretending that he was going to buy land when he did not intend to buy land?

Mr. THACKERY. I did not think he did, and I do not think so yet—that he was sincere in it.

The CHAIRMAN. You have been pretty active in that, have you not?

Mr. THACKERY. Yes, sir; I have been just as active as I knew how.

The CHAIRMAN. How active have you been in connection with those other people—Grimes and his people—who are getting land? What have you done about that?

Mr. THACKERY. I have taken exactly the same action about that as I did with him. I brought an injunction against them after I was appointed guardian.

The CHAIRMAN. An injunction to do what?

Mr. THACKERY. From moving those Indians out to Mexico to get their land. I enjoined all, I suppose, who were interested in the matter.

The CHAIRMAN. It did not seem to have had much influence, did it?

Mr. THACKERY. They brought suit against me to have the guardianship set aside.

The CHAIRMAN. Did they have it set aside?

Mr. THACKERY. They had one or two of them set aside and we appealed it. It is now before the supreme court of the Territory.



Mr. EMBRY. He does not understand the status of this guardianship case. The appeal in the guardianship case is pending in the district court.

Mr. THACKERY. Yes, sir; that is my mistake.

The CHAIRMAN. I think this Indian woman said in this testimony that she was entitled to about \$500 lease money which you had got, and she could not get it. She is a woman of mature age. That is another woman who has the \$500?

Mr. THACKERY. Ne-pah-hah; she is Jim Deer's wife.

The CHAIRMAN. Are you guardian for Jim Deer's wife?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. How did you get to be guardian of a woman of that character?

Mr. THACKERY. She was here at the time, and I was appointed guardian for all who were here.

The CHAIRMAN. Was she here?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. You knew she lived in Mexico?

Mr. THACKERY. No, sir; I did not know that was her permanent home.

The CHAIRMAN. Do you know Jim Deer?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Isn't he a rather capable man for an Indian?

Mr. THACKERY. I do not think he is particularly so; no, sir.

The CHAIRMAN. You think he could not take care of his property and that of his wife?

Mr. THACKERY. I do not.

The CHAIRMAN. You have not paid her rent anyway, have you?

Mr. THACKERY. Not recently. I think she drew all that was coming to her last summer.

The CHAIRMAN. How much is due her?

Mr. THACKERY. I can not tell without consulting the record.

Senator CURTIS. The last payment was July 23, 1906, \$100.

The CHAIRMAN. Since that you have not sent her any money?

Mr. THACKERY. No, sir.

The CHAIRMAN. Or given her husband any money?

Mr. THACKERY. No, sir.

The CHAIRMAN. When do you intend to send it?

Mr. THACKERY. If I might explain that matter—

The CHAIRMAN. Certainly, just explain it.

Mr. THACKERY. The feeling in the Department is that when this money is sent down there, Bentley and his crowd will get hold of it.

The CHAIRMAN. Now, then, be frank, and say that you did not send it there for fear Bentley would get it.

Mr. THACKERY. That is partly the reason.

The CHAIRMAN. Well, what is the other part of the reason?

Mr. THACKERY. The Mexicans work many schemes and get hold of their funds there.

The CHAIRMAN. Well, that will justify you in keeping it always, I suppose.

Mr. THACKERY. No; we take it down to them when we go. We have always done that.

The CHAIRMAN. You have been down there since you made that last payment, have you not?

Mr. THACKERY. No, sir.

The CHAIRMAN. You have had a couple of agents down there; you have had Mr. Goode down there, have you not?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. He has been down there within the last few months. He is down there now, is he not?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Did you send it by him?

Mr. THACKERY. I sent it to him after he got down there.

The CHAIRMAN. Do you know whether he has paid it to them?

Mr. THACKERY. I do not. I sent him Johnny Mine's money.

The CHAIRMAN. Have you been making some conditions before you paid them that they should return it?

Mr. THACKERY. No, sir; none whatever.

The CHAIRMAN. Have not some of your agents said so?

Mr. THACKERY. Not to my knowledge, or with my consent.

The CHAIRMAN. You have been dealing with the bank up there at Douglas, have you not?

Mr. THACKERY. I do not know anything about that institution.

The CHAIRMAN. There are two banks there. Would you not feel safe in sending it down there?

Mr. THACKERY. To Douglas?

The CHAIRMAN. Yes.

Mr. THACKERY. I do not know anything about the banks there. I do not know the town.

The CHAIRMAN. There are a few national banks and I suppose they are perfectly safe. There is a great deal of presumption in favor of a national bank?

Mr. THACKERY. At one time we sent money to the banks at Eagle Pass, and we afterwards had complaints from the Indians that they had never gotten the money. I submitted the question to the Department in this way: This Indian came up there and said he had never got his money. If I remember rightly, I sent to the subtreasurer and asked for the check that he had issued in paying him, and examined it to find out what there was in his complaint. The check appeared to be indorsed on the back by his mark and witnessed by two parties. He swore he never got it. I submitted the question to the Department that if this Indian came in and proved he never got this check and could show this fact in court, would I still be responsible to him as a bonded agent of the Government for the payment of this? The supposition was that I would.

The CHAIRMAN. Did he ever come in?

Mr. THACKERY. No, sir; he never took any further steps. But I wanted that information for my own protection under my bond, to know if I was safe in sending down there where they were not well known, and be identified by parties who probably did not know them. They would come in, and one Indian would bring in another.

The CHAIRMAN. I recognize all the difficulties of that kind, but it seems to me with as many agents as you have you could manage to pay these Indians their lease money without holding it a great while.

Mr. THACKERY. The record will show that we have paid them almost every year. Ordinarily they get a payment every six months.

The CHAIRMAN. But you could pay them every year.

Mr. THACKERY. This matter has been in a stir and twist here, and we did not know where we were, hardly.

The CHAIRMAN. It has been in a stir and a twist because you have been afraid Mr. Bentley would get some advantage in having this money among the Indians, I suppose, and you had a very positive feeling that Mr. Bentley was going to rob them, I suppose?

Mr. THACKERY. I had that feeling exactly.

The CHAIRMAN. I want to go back to Grimes and his party. You say you have treated them the same. What have you done to prevent Grimes and his associates from securing deeds from these Indians?

Mr. THACKERY. As soon as I got home I took steps to be appointed their guardian in this county and in Lincoln County.

The CHAIRMAN. You did not take steps to be appointed guardian for the Indians in Mexico, did you?

Mr. THACKERY. No, sir; when that bill passed I threw up the sponge.

The CHAIRMAN. I am talking about what you did to prevent them getting deeds from the Indians living in Mexico.

Mr. THACKERY. I did everything on earth I could do to defeat the passage of that bill, but when it passed I came home and tried to protect those who were here and gave up those down there.

Senator CURTIS. What advice did you give the Indians, if you talked with any of them?

Mr. THACKERY. I advised them to keep their lands.

Senator CURTIS. And not sell it.

Mr. THACKERY. And not to sell it.

The CHAIRMAN. You were up there when Mr. Grimes was there?

Mr. THACKERY. Part of the time; yes, sir.

The CHAIRMAN. You saw Grimes?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. You saw Brown, Conine, and the whole gang, did you not?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. And you knew what they were up to.

Mr. THACKERY. Yes, sir.

The CHAIRMAN. What steps did you take then? Did you make any effort at all?

Mr. THACKERY. Only to prevent the passage of the bill, and advise the Indians.

The CHAIRMAN. The bill had passed. Do not go back to that.

Mr. THACKERY. I left as soon as the bill passed and came home.

The CHAIRMAN. You left up there, did you?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. You knew the bill was going to pass?

Mr. THACKERY. I did not know it until it did pass.

The CHAIRMAN. Well, you had every reason to suppose it would.

Mr. THACKERY. I tried to keep it from passing, I know.

The CHAIRMAN. Congress does not always accept the advice that is given it?

Mr. THACKERY. I found that out.

The CHAIRMAN. You were at Muzquiz after the bill had passed, were you?

Mr. THACKERY. I was at Eagle Pass at the time it passed and went down to get my grip and belongings, and came right back.

The CHAIRMAN. Would it not have been wise for you to have gone over and looked after those Indians a little, with your great interest in them?

Mr. THACKERY. I did not think there was much show for me there to help them. It was in a foreign country, and I thought it was my duty to come back and help those that were here.

The CHAIRMAN. Those here were not in any danger, were they?

Mr. THACKERY. They certainly were in danger.

The CHAIRMAN. That applies with reference to the Kickapoos in Mexico?

Mr. THACKERY. They began immediately to try to take them off.

The CHAIRMAN. Running them off down among the residents of Mexico?

Mr. THACKERY. It was better to prevent that if I could.

The CHAIRMAN. I think it would have been wiser for you to have gone down there and called the Indians together and had a talk with them as the representative of the Government.

Mr. THACKERY. The Indians had been prejudiced against me and those that were there were not in a state of mind to listen to me. They would not even take the lease money.

The CHAIRMAN. They were afraid you would do what some white men had done—take a receipt from them that afterwards turned out to be a deed?

Mr. THACKERY. Yes, sir; that is what three or four of the leaders told me.

The CHAIRMAN. That has been done repeatedly, has it not? They supposed they were signing a receipt for money and found out they had signed a deed.

Mr. THACKERY. That is what they have told me; yes, sir.

The CHAIRMAN. Well, we have discovered some cases of that kind, but you did not go down there. You came back without seeing the Indians at all.

Mr. THACKERY. I saw quite a number of them in Muzquiz and at Eagle Pass after the bill passed.

The CHAIRMAN. Now, coming back to Jim Deer's wife; you did not have any difficulty in having a woman like that identified, did you?

Mr. THACKERY. We would have the same difficulty that we had with all of them, because I would send it to one of the bankers at Douglas. Those bankers did not know those Indians individually, and they would have to depend on somebody to identify the Indians.

The CHAIRMAN. When you send Outcalt up there or Mr. Goode they have to do that, do they not?

Mr. THACKERY. I always arranged that they had somebody that they could depend on to identify them.

The CHAIRMAN. Whom did you have up there?

Mr. THACKERY. When I left them with Outcalt, I had Joe Clark. I asked him particularly to assist Mr. Outcalt in identifying them, and told Outcalt to pay only to those he did identify.

The CHAIRMAN. You are the guardian of Jim Deer's wife, Ne-pah-hah?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. She is a woman with six children, is she not?

Mr. THACKERY. I do not know how many children she has.

The CHAIRMAN. Do you expect to maintain the guardianship of that land right along now?

Mr. THACKERY. I do for the present.

The CHAIRMAN. How long? When will she be any better off? Will she be any better off six months from now?

Mr. THACKERY. She wants to come back.

The CHAIRMAN. If she wants to come back she can, can she not?

Mr. THACKERY. Yes, sir; I think she could if she had a way to get a ticket. There are Indians here who have come to me in the last few days and shown me letters, showing that she and Mat-ta-wah are very anxious to come back.

The CHAIRMAN. Do you think Jim Deer wants to come back?

Mr. THACKERY. I do not think he does.

The CHAIRMAN. It is not likely that she will come without him?

Mr. THACKERY. She has come. I understood that she came back because she was not well—the climate did not agree with her.

The CHAIRMAN. She did not come back and abandon her home or family, did she?

Mr. THACKERY. I only knew what the Indians had told me. She has a relative here.

The CHAIRMAN. Do you expect to continue the guardianship over this adult woman?

Mr. THACKERY. I think it ought to be done until it is fully determined whether she is going to live here or not.

The CHAIRMAN. We had her before the committee and we thought that probably she might take care of herself as well as the other people. If you are to be guardian of her you ought to be guardian of a whole lot of them.

Mr. THACKERY. Understand me, I do not want to be. If she is really there permanently there is no occasion for me keeping the guardianship any longer that I know of, but she has written here to O-keth-she-shaw-ome on the subject.

The CHAIRMAN. There was a woman who came before us—I do not know how she looked even—but I remember she claimed she had some money that was due her that she was in need of and she could not get it. I think it was \$580, and she was a sick woman. Do you know anything about that?

Mr. THACKERY. I do not recall the woman.

The CHAIRMAN. She has one or two children, I think.

Mr. BENTLEY. That is Noten's wife.

The CHAIRMAN. Yes, sir; it is Noten's wife. Now, she said she wanted her money. You have the money for her, have you?

Mr. THACKERY. I have that check here; yes, sir. It was overlooked. It should have been sent down to Mr. Goode. That is her annuity.

The CHAIRMAN. Her husband is here now.

Mr. THACKERY. If Noten is her husband he is here. They were living together when they went down there.

The CHAIRMAN. She came there before us as his wife—I remember now—and we were told that she had children. I do not know how many. She seemed to be in bad shape. Now, I think you ought to in some way get the money to her.

Mr. THACKERY. I intended to send it by Mr. Goode. I thought I had sent him everything.

The CHAIRMAN. I think maybe it will be better to put the money in her hands. I would not advise you to pay it to the husband, but I think you ought to take some steps with the agent, and if necessary send up there and pay it. I doubt very much whether she would accept it from Mr. Goode or some stranger.

Mr. THACKERY. She will accept it from me; I will guarantee that. I know the woman well.

The CHAIRMAN. There is a man named Gostin, probably she would take the money from him.

Mr. THACKERY. Perhaps he would take it from her. I have no objection to paying that woman that particular money that belongs to her. It ought to be paid.

The CHAIRMAN. You say it was an accident that you have not paid it?

Mr. THACKERY. It was an accident, an oversight, that I did not send it to Mr. Goode. It was a Treasury warrant. I hold it as such.

The CHAIRMAN. Is the Treasury warrant in her name?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. And she asked to have it sent to the Border National Bank?

Mr. THACKERY. She came here later and stated she was going to be here for some time and asked me to have it sent her, and I made the recommendation. It came here after she had gone back.

The CHAIRMAN. Can you pay Johnny Mine his money?

Mr. THACKERY. He will have to wait until Mr. Goode gets back, because we have issued the check.

Senator CURTIS. You expect Mr. Goode here in a day or two, do you not?

Mr. THACKERY. I expect him; yes, sir.

The CHAIRMAN. I think you ought to pay Johnny Mine. I do not know how good a use he will make of it, but the system of paying is in vogue, and these people are entitled to pay.

Mr. THACKERY. I think he will have a pretty good time with it.

Mr. EMBRY. Now, Mr. Thackery, when did you come here and take charge of this agency?

Mr. THACKERY. I took charge October 1, 1901.

Mr. EMBRY. You say that some of these Kickapoos were on their allotments at that time?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. Some of these Kickapoos who have gone to Mexico, were they on their allotments at that time?

Mr. THACKERY. I think they were, many of them.

Mr. EMBRY. Did you become acquainted with what improvements they had made at that time before they went away?

Mr. THACKERY. No; I was very busy at my office.

Mr. EMBRY. Is it not your opinion, from your knowledge of these Indians and association with them, that if they had not been induced by others or encouraged at the prospect of going to Mexico that you could have kept them here and made them contented with their allotments?

Mr. THACKERY. Certainly; that is my opinion.

Mr. EMBRY. Is there anything in your administration of affairs that irritated them, and who seemed to think you would put some in school?

Mr. THACKERY. Not that I know of. I tried to avoid such irritation and made no effort to put their children in school.

Mr. EMBRY. But this Mexican business, or migration business, kept constantly going on since you have been here?

Mr. THACKERY. Yes, sir; constantly. I will say that I made no effort with them to have their children come to school. I could have held their lease money and things like that and compelled them if I chose to pursue them.

Mr. EMBRY. You encouraged them to send their children to school, did you?

Mr. THACKERY. No, sir.

Mr. EMBRY. Did you use any force to compel them to go to school?

Mr. THACKERY. No, sir.

Mr. EMBRY. Now, about this Titus McCoy allotment; Mr. McLaughlin came down here and investigated that, did he not?

Mr. THACKERY. Yes, sir; he was directed to go to Anadarko.

Mr. EMBRY. Well, he came here, did he not?

Mr. THACKERY. Yes, sir; he came from there over here and finished it up.

Mr. EMBRY. And he investigated this allotment, did he?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. Then, he had been at Anadarko investigating that end of the same matter?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. And then came over here?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. And it was his conclusion; you did not encourage him in any particular report on the matter, did you?

Mr. THACKERY. No, sir.

Mr. EMBRY. Have you taken any course or attitude different from that from what Mr. McLaughlin found the facts justified in his report?

Mr. THACKERY. Not intentionally. I am not familiar entirely with what his report was. I understood it was to the effect that the Indian had already been allotted there, and that allotment over there should be given to some other Indian who was left out.

Mr. EMBRY. In your administration of that matter have you done anything that you would advise was different from what Mr. McLaughlin directed or found?

Mr. THACKERY. Nothing whatever.

Mr. EMBRY. Has it been your purpose to follow whatever conclusions and directions were found by the inspector of the Department?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. I suppose he will have to follow what the Department does, not what the inspector does.

Mr. EMBRY. Has it been your purpose in this matter to follow the direction of the Department?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. In this other allotment—what was the other allotment—Rufus Coins was the allottee here as a Kickapoo?

Mr. THACKERY. No, sir; as a Shawnee.

Mr. EMBRY. That was before you came into this office, was it?

Mr. THACKERY. That he was allotted? Yes, sir.

Mr. EMBRY. You found him here?

Mr. THACKERY. I could not say that I found him here. He was an allottee here.

Mr. EMBRY. Did you understand he was afterwards allotted by the Creek Nation?

Mr. THACKERY. At the time this contest came up he was.

Mr. EMBRY. You instituted the contest, did you?

Mr. THACKERY. I think it was a man by the name of Albert Mott.

Mr. EMBRY. He instituted the contest where—in this office or some other office?

Mr. THACKERY. He made a filing in the land office and that was rejected, and he appealed to the Secretary, I think.

Mr. EMBRY. He made a filing on this boy's allotment here in Oklahoma?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. I do not think this allotment business cuts any figure. We had better strike it out of the record. We are not making any charge against Mr. Thackery about this allotment.

Mr. EMBRY. Yes, Mr. Chairman, but there were a number of questions on this subject that went into the record.

The CHAIRMAN. As far as I am concerned, I am in favor of striking it all out. I have no doubt there have been a great many mistakes made and will always be made in making allotments, and when the Department acts it will be very liable to make mistakes.

Mr. EMBRY. There has been something said in the record as to these double allotments and Mr. Bentley's attitude. I would like to have it right in the record.

The CHAIRMAN. Very well; go on.

Mr. EMBRY. Do you know whether this boy was allotted in the Creek Nation or not?

Mr. THACKERY. I understand that he was, but I do not know. I have no information from the Department that he was. Perhaps you can construe that as knowing; yes, sir.

Mr. EMBRY. And your policy here has been to protect his allotment in Oklahoma?

Mr. THACKERY. This Indian; yes, sir.

Mr. EMBRY. Are you acquainted with his Oklahoma allotment?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. What is the character of it?

Mr. THACKERY. It is just a fair allotment, not very good and not very bad; rather a second class.

Mr. EMBRY. What has been done? Has it been determined?

Mr. THACKERY. Yes, sir; this allotment was canceled and went to Mr. Mott, and he has retained his Creek allotment.

Mr. EMBRY. Now, about this patent; you say you delivered some patents to Grimes?

Mr. THACKERY. I do not think I gave Grimes any.

Mr. EMBRY. Did Mr. Benson?

Mr. THACKERY. Mr. Benson or Mr. Chapman, one or the other, I think, got a few.



Mr. EMBRY. I will ask you if at these sales after June 21, 1906, you understood it was the policy of the Department that where persons had bought that land to turn over these trust patents?

Mr. THACKERY. I submitted the question to the Department to know what I should do in the case, and they advised me that the patents might be turned over, except in those seven cases that I remember. I had previously been instructed not to turn them over.

Mr. EMBRY. What ever you did in that way you were doing under departmental direction?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. That is, complying with what you supposed to be the departmental regulations?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. Has that rule since been countermanded?

Mr. THACKERY. Only by myself. When this question came up, and it appeared that so much fraud has been practiced down there, I refused to turn them over to anybody.

Mr. EMBRY. Has Ives ever requested you to turn over any of the patents to allottees, other than the first seven?

Mr. THACKERY. No, sir.

Mr. EMBRY. At the time you turned those patents over to Mr. Benson, had Grimes asked you for the same class of patents, would you have turned them over to him?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. That is, for convenience, where he had a piece of land?

Mr. THACKERY. Yes, sir; I might have turned him over one or two, but I do not think I did, for the reason that he never asked for them.

Mr. EMBRY. This man Graham, the trader over here—that is his private business over there, is it not?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. He is not a Government trader, is he?

Mr. THACKERY. No, sir.

Mr. EMBRY. You have no control over him or his store?

Mr. THACKERY. No, sir.

Mr. EMBRY. He has a right to make a trade wherever he sees fit?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. That was made very clear. I supposed this man was a Government trader until I learned it to-day.

Mr. EMBRY. Have you got that notice that you issued to Grimes upon your return to Mexico about not removing the Indians?

Mr. THACKERY. I have not got it here. When it was understood that I was to make a copy of all these records, I returned it to be copied with those. I have not a copy of the telegram here.

The CHAIRMAN. Tell us what it was.

Senator CURTIS. I read it.

Mr. THACKERY. I wired him and notified him that I had been appointed guardian.

The CHAIRMAN. We have it in the record.

Mr. EMBRY. Now, before you went to Mexico, had Mr. Scothorn, the then acting United States attorney, suggested that you go with Outcult?

Mr. THACKERY. He phoned me one day from Guthrie and asked me if I could meet him at Oklahoma City. When I got to Oklahoma City, he said he had orders to send somebody down there, and insisted that I should get somebody to go along.

Mr. EMBRY. Then, any reference or statement in your report which applies to the Department relative to that matter which might be construed as seeking to be sent was because you had been requested by Mr. Scothorn to go?

Mr. THACKERY. Yes, sir; he wrote me a letter asking me to go, and he forwarded the letter from Guthrie.

Mr. EMBRY. You had no thought of it and took no interest in it until he so requested you?

Mr. THACKERY. I did not know that it was going to be reopened and investigated at that time.

Mr. EMBRY. You received directions from the Department to go?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. And you went with Outcalt?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. And you went to Eagle Pass and arrived there about what time?

Mr. THACKERY. I arrived there about the 23d of May, 1906.

Mr. EMBRY. And, then, when did you go over to Muzquiz?

Mr. THACKERY. I think somewhere from the 23d to the 30th.

Mr. EMBRY. You took with you an Indian interpreter from this country?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. Henry Jones?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. How long have you known Henry Jones?

Mr. THACKERY. About sixteen years.

Mr. EMBRY. What have you know him to be—a man of good character and responsibility, or otherwise?

Mr. THACKERY. I have known him to be a man of good character and responsibility. I was originally employed at the Sac and Fox Agency. I entered the service there and knew him there.

Mr. EMBRY. When you left here and went to Mexico, had you any intention of depending on any interpreter that they might pick up down there?

Mr. THACKERY. No, sir; none whatever.

Mr. EMBRY. After you and Outcalt arrived in Mexico, did you go to the public office down there where you thought you might find the deed it was claimed Bentley had secured for the San Francisco plantation for the benefit of these Indians?

Mr. THACKERY. Yes; we did. We went to Monclova for that purpose. That is the recording district of that locality or county, whatever they call it.

Mr. EMBRY. You at that time understood that Bentley and Ives had sold some of this trust property in Oklahoma, and had derived funds for the purpose of paying for that plantation, did you, or for being used in buying land elsewhere?

Mr. THACKERY. I understood that they had used Indian money to buy land down there—money that they had gotten from the Indians there that way, or from them direct.

Mr. EMBRY. And the first thing you did was to go to the public office where you thought the records might be found?

Mr. THACKERY. Yes, sir; we stopped a day or two at Eagle Pass and went directly down.

Mr. EMBRY. Did you find there any title of this property to the Indian?

Mr. THACKERY. None whatever.

Mr. EMBRY. Then where did you go?

Mr. THACKERY. I went back to Muzquiz.

Mr. EMBRY. Where did you get Henry Jones, the interpreter?

Mr. THACKERY. In Muzquiz. We left him there at Barroteran, on the road to Monclova. He went from Borroteran out to Muzquiz. We found him there when we came back.

Mr. EMBRY. Had you from any source learned whether this San Francisco property had been conveyed to Mr. Bentley?

Mr. THACKERY. We had not found out at that time.

Mr. EMBRY. When did you find that out?

Mr. THACKERY. I found it out through Mr. Outcalt.

Mr. EMBRY. At what place?

Mr. THACKERY. I think it was after I had been up to Eagle Pass for a number of days while he was at Muzquiz. During my stay at Eagle Pass he found or discovered it there in the town. It was in a notary public's office, I think.

Mr. EMBRY. Now, when you returned to Muzquiz, did you go out to this Indian village?

Mr. THACKERY. Yes, sir; I did.

Mr. EMBRY. Who went with you out there?

Mr. THACKERY. The first time?

Mr. EMBRY. Yes, the first time.

Mr. THACKERY. I guess I was only out there once. Mr. Outcalt and two of those Oklahoma men went.

Mr. EMBRY. Name them?

Mr. THACKERY. I think it was Doctor Beatty and Al Brown.

Mr. EMBRY. Why did Doctor Beatty and Al Brown go with you out there?

Mr. THACKERY. They were going out fishing at that time. We had been fishing right by the tent, and we heard there was better fishing out by the lake, and we came back and hunted for a rig to drive out. It was about noon.

Mr. EMBRY. Did you take these men out there for the purpose of introducing them to the Indians?

Mr. THACKERY. No, sir; for no such purpose whatever.

Mr. EMBRY. Did you aid them in securing this land?

Mr. THACKERY. There was no such arrangement at all.

Mr. EMBRY. Did you, while in Muzquiz, aid anyone in securing land?

Mr. THACKERY. I did not.

Mr. EMBRY. When you returned to camp that evening you were ordered away from the camp by the Indians and by other parties?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. Did you go back to that camp?

Mr. THACKERY. I did not, to the best of my recollection.

Mr. EMBRY. How long did you remain at Muzquiz before you came over to Eagle Pass?

Mr. THACKERY. I came back to Eagle Pass, and the next day——

Mr. EMBRY. How long did you remain at Eagle Pass before you came home?

Mr. THACKERY. I went back to Muzquiz before I came home. I was at Muzquiz about three weeks, I guess.

Mr. EMBRY. Did you or Outcelt have any mescal or whisky with you while you were out at the Indian camp?

Mr. THACKERY. No, sir.

Mr. EMBRY. Did you see anyone drinking mescal or beer or whisky out there?

Mr. THACKERY. I saw one bottle of whisky out there.

Mr. EMBRY. Where, and who had it, if you know?

Mr. THACKERY. Some of these men had it out there by the lake.

Mr. EMBRY. Do you know which one?

Mr. THACKERY. No, sir; I do not.

Mr. EMBRY. You say they had it out by the lake. Did you see them have it at the Indian village?

Mr. THACKERY. No, sir; I did not.

Mr. EMBRY. Were they giving it to the Indians while you saw it at the lake?

Mr. THACKERY. No, sir; there were no Indians there.

Mr. EMBRY. Did you call any Indians out in the brush and talk with them?

Mr. THACKERY. We did not.

Mr. EMBRY. What time did you and Outcelt leave the village that evening to go back to Muzquiz?

Mr. THACKERY. Just about dark.

Mr. EMBRY. Did you tell any of those Indians out there that you came to pay their lease money?

Mr. THACKERY. I did. I did not tell them I came to pay them. I told them I had it with me, or that I would have it with me.

Mr. EMBRY. And that they could get it at Muzquiz or Eagle Pass?

Mr. THACKERY. At Muzquiz.

Mr. EMBRY. What did you go back to Eagle Pass for?

Mr. THACKERY. I went back to take up the situation there with the Department, the Interior Department, and also with the Department for Mr. Outcelt.

Mr. EMBRY. You deemed the situation such that you should go to Muzquiz and keep in touch with your Department?

Mr. THACKERY. At Eagle Pass.

Mr. EMBRY. Why did you not communicate with them from Muzquiz?

Mr. THACKERY. I did not like the situation down there. I did not want to stay there with all this trouble that was going on. I thought perhaps they would get onto our telegram, and I did not like the arrangement there with these Mexican officials and thought I would go back to my own country.

Mr. EMBRY. Is it not a fact that you were uneasy somewhat about being arrested down there?

Mr. THACKERY. I was not scared; no, sir; I was not afraid.

Mr. EMBRY. You got in communication with your Department and acted under their direction, did you?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. You advised them fairly fully, as it occurred to you, of the facts?

Mr. THACKERY. I did.

Mr. EMBRY. And you also advised Mr. Scothorn at Guthrie?

Mr. THACKERY. Yes, sir; I sent him a few telegrams, and I think a letter.

Mr. EMBRY. Why did you send him telegrams? What did Mr. Outcalt do that you should communicate with Scothorn?

Mr. THACKERY. He told me to——

Mr. EMBRY. What reason did he give that you should do it rather than he?

Mr. THACKERY. Because he did not want to send them from Muzquiz any more than he could help.

Mr. EMBRY. What did he advise you?

Mr. THACKERY. He told me before I started——

Mr. EMBRY. You have heard some of these telegrams read here, have you not?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. Is there any further explanation that you want to make with reference to those telegrams?

Mr. THACKERY. I think I explained those telegrams pretty fully to Senator Curtis.

The CHAIRMAN. We told Mr. Thackery, I think, that if there was anything that he wanted to put in this record he could send it on to Senator Curtis or myself. There were a number of things we intended to ask him about, and I am going to ask him now when you are through with your questions.

Mr. EMBRY. Did Mr. Outcalt write up those telegrams for you to send after you left Muzquiz, those that you were to send to Scothorn?

Mr. THACKERY. Not all of them. He wrote one and mailed it to me in a letter and told me to send it at Eagle Pass.

Mr. EMBRY. When you returned again to Muzquiz, what was Outcalt doing?

Mr. THACKERY. He was trying to get evidence in the matter that we were investigating.

Mr. EMBRY. As to these seven allotments?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. How long were you at Muzquiz upon your return there?

Mr. THACKERY. I think about a day and a half or two days.

Mr. EMBRY. Did you see Mr. Outcalt during that time?

Mr. THACKERY. Yes, sir; I stayed with him.

Mr. EMBRY. Did you sleep in his room?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. How did he deport himself?

Mr. THACKERY. He was all right. He was not drunk while I was there. There was nothing wrong with him.

Mr. EMBRY. When you came home, what did you find that appeared to be doing here at home, with reference to these Kickapoos who were at home?

Mr. THACKERY. Well, a bunch of them came over to see me as soon as I got in. They were very uneasy. They had heard about this matter. I think Henry Murdock had returned, and perhaps some of the others, and they told them about it and they came to see me

right away. They were very anxious to have something done to protect them.

Mr. EMBRY. Had you advanced the lease money to Henry Murdock down there to enable him to come home?

Mr. THACKERY. No, sir; he had just gone down. I do not think he had any lease money then.

Mr. EMBRY. Did you pay lease money to Murdock down there?

Mr. THACKERY. I paid some to Steve Mohawk.

Mr. EMBRY. And Effie Douglas?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. And it was with that money that they came home?

Mr. THACKERY. Yes, sir; it was.

Mr. EMBRY. When you came home, is it not a fact that you sent L. C. Grimes a telegram on July 31, I think, advising him that you had been informed that there were plans to remove other Indians to Mexico, and forbidding it?

Mr. THACKERY. Yes, sir; I did.

Mr. EMBRY. On what day did you make application to have yourself appointed the legal guardian of the Mexican Kickapoos in Oklahoma?

Mr. THACKERY. It was July 13. That is, of those living in this county. It was July 16, or about perhaps the 18th, I filed it.

Mr. EMBRY. Did you make application for those living in Oklahoma and Lincoln County?

Mr. THACKERY. I did a few days later.

Mr. EMBRY. That was part of your effort to prevent people from taking them to Mexico under the pretext that they had established homes in Mexico, was it?

Mr. THACKERY. That was it, exactly.

Mr. EMBRY. And following this application you were appointed legal guardian of most, if not all, of those Indians.

Mr. THACKERY. Yes, sir; all that were here, I think.

Mr. EMBRY. Jim Deer's wife was in this country at that time, was she?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. Do you know how long she had been here?

Mr. THACKERY. I could not say definitely; probably anywhere from a month to three months.

Mr. EMBRY. Was it not your principal purpose in being appointed guardian to prevent these people from taking her to Mexico and getting a deed from her?

Mr. THACKERY. It was.

Mr. EMBRY. After you were appointed guardian of those Indians, did they persist in running them off and taking them to Mexico and getting deeds from them?

Mr. THACKERY. They did.

Mr. EMBRY. I will ask you, at the time when they wanted to remove a bunch of these Indians, if you had been appointed guardian and consulted attorneys here in Shawnee?

Senator CURTIS. Just explain that. You said there were so many. Whom do you mean by "they?"

Mr. THACKERY. Principally Mr. Grimes and his crowd. Bentley only took one that I know of.

Senator CURTIS. Whom do you mean by "they?"

Mr. THACKERY. I mean, for the most part, Grimes.

Senator CURTIS. Did you hear of Mr. Bentley sending any?

Mr. THACKERY. I understood he was instrumental in having this one woman kidnaped.

Senator CURTIS. How were you informed as to that?

Mr. THACKERY. Jones, the deputy marshal, whom I had asked to watch the depot, told me. I think his son had brought the woman. I am not positive it was this woman. Clark, I think, had something to say about it.

Senator CURTIS. But Grimes, Chapman, and the Conine people were running them off by the wholesale, were they not?

Mr. THACKERY. Yes, sir.

Senator CURTIS. And they were taking deeds from minors, were they not?

Mr. THACKERY. I did not know it at that time.

Mr. EMBRY. I will ask you if on February 25, 1907, after you had been advised that R. C. Conine, L. C. Grimes, Martin J. Bentley, and W. W. Ives were talking of seeking to take others of your wards to Mexico, and after consultation with Pendleton, Abernathy, and Powell, attorneys of this city, you filed a petition for injunction restraining those persons from removing those Indians to Mexico?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. Is that the petition or a copy of it [exhibiting a paper]?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. Affidavit and everything?

Mr. THACKERY. Restraining order and everything.

The CHAIRMAN. You had better put it in the record.

Mr. THACKERY. I will send you a copy.

Mr. EMBRY. We offer that in evidence. Did the probate judge issue a restraining order under our procedure?

Mr. THACKERY. Yes, sir; he did.

Mr. EMBRY. This case was filed under our rules of the court and the probate judge issued the necessary order.

Mr. THACKERY. Yes, sir; during the absence of the district judge.

Mr. EMBRY. You had better send us certified copies.

The CHAIRMAN. I want to ask about one other thing, Mr. Thackery. Do you know Ah-kis-kuck, an Indian?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. He has children, has he not?

Mr. THACKERY. I think he has.

The CHAIRMAN. Do you not know he has?

Mr. THACKERY. I know he has.

The CHAIRMAN. How many has he got?

Mr. THACKERY. I could not tell you.

The CHAIRMAN. You have him down here as having a son and two daughters?

Mr. THACKERY. I do not think I have him down on that paper.

The CHAIRMAN. It is down here. Anyhow, he has children?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. You had a guardian appointed for Ah-kis-kuck's children?

Mr. THACKERY. Not that I remember. I might have previous to this matter.

The CHAIRMAN. You do not remember to have had it. I think it was some time ago, perhaps. These are minors, as I understand?

Mr. THACKERY. We had a number of guardians appointed; yes, sir.

The CHAIRMAN. Tell me who the guardians are and where they reside, and if they are related to you, mention the fact?

Mr. THACKERY. I can tell you the fact at this time that they are not.

The CHAIRMAN. It has been claimed that they were relatives of yours?

Mr. THACKERY. No, sir; they are not.

The CHAIRMAN. You do not know whether those children have any money due them or not, do you?

Mr. THACKERY. No, sir; I do not, at this time.

The CHAIRMAN. How many leases did Mr. Grimes have?

Mr. THACKERY. Only one; that is, to the best of my recollection. It expires the last of December. He was refused any further lease upon my recommendation about a year and a half ago, because his contracts on his previous leases had not been complied with.

The CHAIRMAN. He did not keep faith with the office?

Mr. THACKERY. That is it; yes, sir.

The CHAIRMAN. You do not remember the exact date of that, I suppose. Can you state just how long that was?

Mr. THACKERY. No, sir, not exactly. It has been more than a year ago.

The CHAIRMAN. I want to ask you a question or two, and I want to be as brief as possible. I want the number of restrictions that have been removed.

Mr. THACKERY. Yes, sir; I have a note of that.

The CHAIRMAN. I wish you would give the committee a statement as to what has been the result of removing the restrictions as to the Indians getting rid of their land and what use, if you know—I do not expect you to individualize—but as a general rule, what use they make of their money, whether they buy other land or whether they waste it or live it out, or what becomes of it. I want to know what the policy ought to be as to further removing the restrictions. I think it was a bad policy, from my experience in the last two years, to remove the restrictions on all of the allotments, and in many cases on part of them at this time.

Mr. THACKERY. Most of the restrictions that have been removed are on the Pottowatomies. In those cases, I believe, generally speaking, they ought to be granted.

The CHAIRMAN. The Pottowatomies are a different class of Indians?

Mr. THACKERY. Yes, sir; with the Shawnees the general results have been bad for the Indians.

The CHAIRMAN. I have been told, and you can say whether correctly or not, that a very large proportion of these Indians that have had their restrictions removed, have disposed of their land and squandered their money.

Mr. THACKERY. There are only about 10 to 15 who have had the restrictions removed since that bill passed. There are others who under previous acts of Congress have sold all their land with the same results.



The CHAIRMAN. Take John Spybuck. He claims that parties have got his deed. Were his restrictions removed through the Department?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. When was that done?

Mr. THACKERY. About one or two months ago.

The CHAIRMAN. I want to go back a little more to the Shawnee matter. I want you to give me for the last year what has been done by the Shawnees?

Mr. THACKERY. As I say, during the whole time there have only been from 10 to 15 cases.

Senator CURTIS. Just send us a report of that.

Mr. THACKERY. I will send in a complete list.

Senator CURTIS. If you want to vindicate your action by an order through the Department I think it but fair that you should give us the correspondence so that we may determine whether the action of the Department is really your action?

Mr. THACKERY. Yes, sir.

Senator CURTIS. If you have an order from the Department where you recommend this you ought to be responsible and not the Department?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. Mr. Thackery, is it not a fact that ever since your return from Mexico until some months ago that it has required constant diligence and effort on your part to prevent persons enticing these persons to Mexico and getting the deeds under a pretext that they had removed to Mexico?

Mr. THACKERY. Yes, sir; a great deal.

The CHAIRMAN. I do not think the gravamen of the offense is taking them to Mexico. If they are not residents of Mexico a deed from them is an absolute nullity. Is that not a fact under this law?

Mr. EMBRY. But pardon me. Hereafter—they took them there under the theory that they would become residents hereafter. That was the trouble—the hereafter business—“now or hereafter.”

The CHAIRMAN. But it has not been confined to those who have gone over there?

Mr. EMBRY. Now, Mr. Thackery, you know a girl named Emma Garland, do you not?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. I want you to examine this writing and state where you got it [handing witness a paper].

Mr. THACKERY. I got it from Ah-ko-the.

Mr. EMBRY. Do you know the handwriting?

Mr. THACKERY. I do.

Mr. EMBRY. I would like Mr. Bentley to examine that and see if it is his signature.

Mr. BENTLEY (after examining paper). Yes, sir; that is my signature.

Mr. EMBRY. I desire to read it in the record at this time. Ciudad Porfirio Diaz, September 24, 1904, with certain indorsements on the back of it. “Due Emma Garland the sum of \$2,000. Payable at convenience of payor. M. J. Bentley.” What, as far as you have

been able to ascertain, has been Mr. Bentley's disposition to borrow money from those Kickapoo Indians?

Mr. THACKERY. He has borrowed a good deal of it, I understand, on such security as that.

Mr. EMBRY. State any other instances you have in mind to illustrate the methods of his business.

Mr. THACKERY. He borrowed a considerable amount from We-ah-che-kah and here in the public fair-ground tract, the Pah-pah-shek allotment. We paid her approximately \$10,000 at the office in cash, in currency, and I think she rode back to town with Willard Johnston, president of the State National Bank, and I think he drove her up to Mr. Bentley's house, and there she turned the money over to him.

Mr. EMBRY. You say you think that?

Mr. THACKERY. Mr. Graham told me about it afterwards, and said he was following them up to collect accounts.

Mr. EMBRY. Do you know whether she turned it over to Mr. Bentley or not?

Mr. THACKERY. She said she did.

Mr. EMBRY. That was your advice?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Mr. Bentley says that is correct; she turned it over to him. Do you know anything about the further course of that money?

Mr. THACKERY. No, sir; none whatever.

The CHAIRMAN. Who was this Indian that turned it over to him? Is she intelligent or otherwise?

Mr. THACKERY. She is childish, just like the others. She is not an imbecile, but she does not know the value of money.

The CHAIRMAN. Is she capable of knowing the statement of her account with anyone?

Mr. THACKERY. No, sir.

The CHAIRMAN. In her dealing with Mr. Bentley or anybody else in the matter of loaning money?

Mr. THACKERY. No, sir; I do not think she had any apprehension of what amount of money she had.

The CHAIRMAN. Do you know of any other similar transactions?

Mr. THACKERY. I think Mary Penetho turned him over approximately the same amount down here back of Crisney's store. Mr. Clark, I think, witnessed the transaction.

The CHAIRMAN. Examine that signature and state if that is Mr. Bentley's name to that note.

Mr. THACKERY (after examining). It is.

The CHAIRMAN. Do you know, as a matter of general information, whether a suit was filed by Mary Penetho on this note?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. What was your general information as to the disposition of the suit?

Mr. THACKERY. She came over to me and complained that she could not get the money, and after making several such complaints I went with her to Judge Wood's office here in Shawnee, and he prepared papers for us to file and he was to get some fee, I have for-

gotten what it was. It was agreed upon there; but later Mr. Bentley came back and I think went with the woman.

The CHAIRMAN. Are you speaking from knowledge or general information?

Mr. THACKERY. General information. Mr. Graham, however, went with me over to Tecumseh and dismissed the suit and gave her four or five notes in small amounts.

The CHAIRMAN. Is it your information that those compromised notes have been paid or not?

Mr. THACKERY. She told me that some of them had been paid and some of them had not. I saw the notes.

The CHAIRMAN. Is it your information that the suit is now pending in the district court of this county against Mr. Bentley to recover the balance on those notes?

Mr. THACKERY. No, sir; I think she went with him and dismissed it.

The CHAIRMAN. What is the state of this Emma Garland account now, if you know?

Mr. THACKERY. There was an administrator appointed for her, and an action has been brought to have him account for the funds received for her by the administrator.

The CHAIRMAN. Did you look after that matter and give encouragement to the appointment of an administrator to see that those accounts were properly settled?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Have you deemed it your duty to look after the interest of those Indians and see that their rights were properly protected in the court?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Did you encourage it?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. Now, this fair ground transaction. In the letter of Mr. Bentley to Joe Clark of October 25, 1902, there is this paragraph: "Wire me in case the fair ground matter comes"——

The CHAIRMAN. Is that not already in the record?

Mr. EMBRY. Yes, sir; and it will not be necessary to put it in again. Does that relate to the same fair ground transaction mentioned in the testimony of Mr. Benson?

Mr. THACKERY. Yes, sir; it was the only fair ground tract that I know of. She was one of the heirs.

Mr. EMBRY. I will ask the stenographer to identify this as a proper exhibit and will submit it, and it can be put in if the committee desires.

Mr. THACKERY. It covers accounts of 108 Kickapoos who are or have been in Mexico.

Mr. EMBRY. I want to submit it in evidence and the committee may condense it. Mr. Thackery, this Exhibit "A" is a statement of what?

Mr. THACKERY. It is a statement of the funds paid to 108 different Kickapoos, I believe, who are now or have been in Mexico.

Mr. EMBRY. Did you cause that to be made by the regular official force of your office upon my request?

Mr. THACKERY. I did.

Mr. EMBRY. These 108 Kickapoos are persons who from information have been in Mexico considerably during the last few years?

Mr. THACKERY. Yes, sir; I believe 108 includes two Shawnees.

Mr. EMBRY. Do you know whether all these 108 are now in Mexico or not?

Mr. THACKERY. The great majority of them are. There might be a few who are here.

Mr. EMBRY. I notice in this fiscal account, the lease account, it shows what item?

Mr. THACKERY. It shows the amount of lease money paid the Indians named since I took charge, the date and number of the check, and the amount.

Mr. EMBRY. The first column on the left is the amount of payment?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. The middle column is the check number?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. And the last to the right is the amount?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. Now, I notice here items headed "Annuity account." What is that?

Mr. THACKERY. That is both interest and principal that they have received, the interest coming through us and the annuity paid both through us and through the Border National Bank of Eagle Pass.

Mr. EMBRY. I notice here that upon some of the warrants are indorsed the words "Eagle Pass." What is that inserted to indicate?

Mr. THACKERY. That warrant was put through the bank at Eagle Pass.

Mr. EMBRY. I notice another form of account here which is indicated "deed account." What does that refer to?

Mr. THACKERY. That makes a showing of the money paid to them derived from all heirship Indian land.

Mr. EMBRY. Moneys that come through your office and paid to them?

Mr. THACKERY. Yes, sir; paid through our office to them.

Mr. EMBRY. These amounts do not contain the items of heirship money that were paid upon sales to the heirs direct before the rule of the Secretary requiring them to be paid into your office, does it?

Mr. THACKERY. Yes, sir; it does.

Mr. EMBRY. It includes all since the passage of the bill, does it?

Mr. THACKERY. Yes, sir; all of those Indians named.

Mr. EMBRY. Have you taken the precaution and care to give instructions to your official force to make the statement full and correct as indicated by the entries?

Mr. THACKERY. I have.

Mr. EMBRY. Do you believe it to be such?

Mr. THACKERY. I do.

Mr. EMBRY. We offer that in evidence as Exhibit "A."

The CHAIRMAN. That is very voluminous and will be put in the Appendix.

The CHAIRMAN. Does that include the money that had been paid through the bank by the Treasury Department?

Mr. THACKERY. Yes, sir; that is what these are marked "Eagle Pass" for. In other words, it is intended to show all these Indians down there have received.

The CHAIRMAN. Does that show what Mah-ma-she-kah paid?

Mr. THACKERY. No, sir; I do not think it does. Here is her account. It does not show. If it did, it would be marked "Eagle Pass."

The CHAIRMAN. Johnny Mine's account is not there, is it?

Mr. THACKERY. No, sir; his account is here [indicating].

The CHAIRMAN. How much does it show to be due him?

Mr. THACKERY. It does not show. I will prepare that later and send it to you. This shows the amount paid.

Mr. EMBRY. When does it show the last payment, and how much, made to Johnny Mine?

Mr. THACKERY. The date of the check, the last payment made by me, was November 16, 1903. That is an annuity check. The last lease check is June 15, 1905. The last deed check is for his heirship interest, \$338.67. It was March 9, 1904.

The CHAIRMAN. I do not see any checks in there unless they have been paid.

Mr. THACKERY. No, sir; not unless we have delivered them.

Mr. EMBRY. Now, in leasing these Kickapoo Indian lands and other Indian land, has it been your purpose, or the rule of the office, to require full cash rents?

Mr. THACKERY. No, sir.

The CHAIRMAN. Or did they have improvements as part consideration of the rent?

Mr. THACKERY. It depends on the land. If the land is already in cultivation the consideration is usually in cash, unless it is to build a new house. They encourage everyone to build a new house on it as part of the consideration. In order to get a new house that is of any value we must necessarily put the cash consideration very low in the lease. So some of those leases have very small cash consideration. In those cases the chances are if it is a good piece of land that most of the consideration is improvement in the way of fences or houses, or the breaking of new land, or something of that kind.

The CHAIRMAN. Do you know anything about this Hampton contest out here?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. What do you know about it?

Mr. THACKERY. I know I had a pretty hard fight against Bentley to keep Hampton from getting a homestead on it.

The CHAIRMAN. Now, as a matter of fact, Hampton filed a contest on an allotment out there, did he?

Mr. THACKERY. Yes, sir.

Mr. EMBRY. I will submit the record of that.

The CHAIRMAN. Did you at any time, in Mexico or elsewhere, give to any of these Indians mescal or beer, or intoxicants?

Mr. THACKERY. No, sir; I never did, anywhere.

The CHAIRMAN. Did George Outcalt give them any in your presence; did you see him give them any?

Mr. THACKERY. No, sir; I never did. I never saw him give any in my presence.

*Statement of patents issued to Absentee Shawnee Indians through the United States Indian Agency, Shawnee, Okla.*

No.	Allotment No.	Name.	Description.	Date issued.
1	184	Alford, Nellie.....	SE. $\frac{1}{4}$ NE. $\frac{1}{4}$ sec. 30, T. 11, R. 5 .....	Sept. 10, 1907
2	42	Brady, Katie.....	SE. $\frac{1}{4}$ SW. $\frac{1}{4}$ sec. 22, T. 10, R. 3 .....	Do.
3	49	Brady, Nannie.....	S. $\frac{1}{4}$ SE. $\frac{1}{4}$ sec. 29, T. 10, R. 3 .....	Do.
4	20	Cigar, or Si-ka-way .....	E. $\frac{1}{4}$ NW. $\frac{1}{4}$ and W. $\frac{1}{4}$ NE. $\frac{1}{4}$ sec. 6, T. 9, R. 4.....	May 6, 1907
5	136	Canalis, Elkana.....	Lot 2, sec. 25, T. 10, R. 3 .....	Apr. 9, 1907
6	183	Panther, Billy .....	Lots 4, 5, 6, sec. 28, T. 10, R. 4 .....	Oct. 9, 1907
7	184	Panther, Collins .....	S. $\frac{1}{4}$ SE. $\frac{1}{4}$ sec. 33, T. 10, R. 4 .....	June 28, 1907
8	191	Shawneego, Birdie .....	SW. $\frac{1}{4}$ NE. $\frac{1}{4}$ sec. 23, T. 11, R. 2 .....	Apr. 9, 1907
9	18	Shawnee, Eva .....	E. $\frac{1}{4}$ lot 5, sec. 26, T. 10, R. 3; W. $\frac{1}{4}$ NE. $\frac{1}{4}$ NE. $\frac{1}{4}$ sec. 35, T. 10, R. 3 .....	Do.
10	14	Shawnee, Walter .....	N. $\frac{1}{4}$ SW. $\frac{1}{4}$ sec. 35, T. 10, R. 3 .....	Do.
11	29	Shincis, Frank.....	E. $\frac{1}{4}$ SE. $\frac{1}{4}$ sec. 6, T. 9, R. 4 .....	Aug. 19, 1907
12	64	Spybuck, Jennie.....	Lot 3, sec. 4, T. 9, R. 4 .....	Oct. 11, 1907
13	109	Spybuck, John .....	N. $\frac{1}{4}$ SW. $\frac{1}{4}$ sec. 22, T. 10, R. 3 .....	Sept. 10, 1907
14	239	Tyner, Charles.....	SW. $\frac{1}{4}$ NE. $\frac{1}{4}$ sec. 30, T. 11, R. 5 .....	July 2, 1907
15	171	Tarharty, Martin .....	E. $\frac{1}{4}$ SW. $\frac{1}{4}$ sec. 14, T. 11, R. 4 .....	June 13, 1907
16	427	Worth, Tonley.....	N. $\frac{1}{4}$ SW. $\frac{1}{4}$ sec. 15, T. 9, R. 1 .....	Aug. 19, 1907

The witness was thereupon excused.

JANE HILL, having been first duly sworn, and her interpreter (Joe Hill) being similarly sworn, testified as follows:

Senator CURTIS. What is your name?

JANE HILL. Jane Hill.

Senator CURTIS. How old are you?

JANE HILL. I am 49.

Senator CURTIS. Have you a son?

JANE HILL. I have one boy.

Senator CURTIS. What is his name?

JANE HILL. Bill Johnson.

Senator CURTIS. Is he the only son you have?

JANE HILL. Yes, sir.

Senator CURTIS. Is he the only boy you have ever had?

JANE HILL. That is all I have got.

Senator CURTIS. How old is he?

JANE HILL. Nineteen now.

Senator CURTIS. Did you ever have a son by the name of Titus McCoy?

JANE HILL. No, sir.

Senator CURTIS. Did you ever have a son called Titus McCoy?

JANE HILL. No, sir.

Senator CURTIS. You remember Mr. McLaughlin, who claims to be United States Indian inspector? He was out at your place, was he not?

JANE HILL. Yes, sir; but I do not know him.

Senator CURTIS. He came from Washington?

JANE HILL. Yes, sir.

Senator CURTIS. Did he talk with you about your boy?

JANE HILL. Yes, sir.

Senator CURTIS. When he did come, what time of the night?

JANE HILL. About 8 o'clock at night.

Senator CURTIS. How long did he stay?

JANE HILL. Until about 12 o'clock.

Senator CURTIS. Did you talk at all about your son?

JANE HILL. Yes, sir.

Senator CURTIS. Did you tell him you only had the one boy?

JANE HILL. Yes, sir.

Senator CURTIS. Did you tell him he was only 19 years of age, or what did you tell him about your son's age?

JANE HILL. I said about 15 at that time.

Senator CURTIS. Did you tell him you never had but the one son?

JANE HILL. Yes, sir.

Senator CURTIS. Where was that son allotted?

JANE HILL. He had an allotment down at Anadarko.

Senator CURTIS. What tribe did he belong to, or what tribe had he the Indian blood of?

JANE HILL. Half Caddo and half Shawnee.

Senator CURTIS. His father was a Caddo?

JANE HILL. Yes, sir.

Senator CURTIS. And his mother a Shawnee?

JANE HILL. Yes, sir.

Senator CURTIS. What was his father's name?

JANE HILL. Frank Johnson.

Senator CURTIS. Did you ever take an allotment for him over among the Shawnees?

JANE HILL. No, sir.

Mr. EMBRY. Do you remember when Mr. McLaughlin was there? You remember talking to him?

JANE HILL. Yes, sir.

Mr. EMBRY. How long did he talk to you about this?

JANE HILL. He came over there about 8 o'clock and quit talking about 12.

Mr. EMBRY. He ate supper at your house that night, did he not?

JANE HILL. Yes, sir. The fellow was named Thomas Alfred, an Indian fellow.

Mr. EMBRY. Did you tell Mr. McLaughlin everything about this case—everything about it?

JANE HILL. No, sir.

Mr. EMBRY. Did you tell Mr. McLaughlin all about your boy—how old he was and what his name was?

JANE HILL. Yes, sir. He asked me how old was my boy, and I told him 15.

Mr. EMBRY. Did you answer all of Mr. McLaughlin's questions that he asked you?

JANE HILL. Yes, sir; he talked a whole lot, I can not say what. I did not understand much. He was talking pretty nearly all night.

Mr. EMBRY. Did you sign an affidavit or refuse to sign an affidavit?

JANE HILL. No, sir; I would not.

Mr. EMBRY. Why would you not sign it?

JANE HILL. No, sir.

Mr. EMBRY. I say, why would you not sign it?

JANE HILL. Because I did not know anything about it. I did not know what Mr. McLaughlin said.

Mr. EMBRY. Did Mr. McLaughlin talk to anybody else there about it?

JANE HILL. Yes, sir.

Mr. EMBRY. Did you have an interpreter?

JANE HILL. Sometimes, Thomas Alfred.

Mr. EMBRY. He was your interpreter when you were talking to Mr. McLaughlin?

JANE HILL. Yes, sir.

Mr. EMBRY. You understood what he said to Mr. McLaughlin, did you not?

JANE HILL. Of course I did not know anything about McLaughlin that time, when he came into my house. That boy said there was one allotment down there in Anadarko, and McLaughlin told me I had an allotment here. I do not know anything about Titus McCoy.

Mr. EMBRY. You understood him when he talked to you?

JANE HILL. A little.

Mr. EMBRY. You can talk about as good as the interpreter, can you not?

JANE HILL. No, sir; he beats me.

Mr. EMBRY. You do not need an interpreter now, do you?

JANE HILL. Yes, sir.

Mr. EMBRY. Just answer my questions now yourself. What time of the day did McLaughlin come to your house?

JANE HILL. About 8 o'clock.

Mr. EMBRY. Did Mr. Alfred come along with him?

JANE HILL. Yes, sir.

Mr. EMBRY. Did they put up their team or hitch it?

JANE HILL. They tied him outdoors all night about midnight; 12 o'clock—

Mr. EMBRY. Was there anybody at your house when they got there?

JANE HILL. My man and my sister.

Mr. EMBRY. What kind of a looking man is McLaughlin?

JANE HILL. He is a great big fat man.

Mr. EMBRY. He was very careful to ask you questions all about things about the boy?

JANE HILL. Yes, sir; I did not know anything about that kind of case.

Mr. EMBRY. And you explained to him, did you not, about the boy; did you not tell him all about the boy?

JANE HILL. No, sir.

Mr. EMBRY. Why did you not tell him all about that boy? What was your husband's name?

JANE HILL. Joe Hill.

Mr. EMBRY. What was your former husband's name, your other husband?

JANE HILL. Frank Johnson.

Mr. EMBRY. How long did you live over with the Caddos?

JANE HILL. About six years I lived over there.

Mr. EMBRY. How long have you lived over here?

JANE HILL. I have lived here fifteen years.

Mr. EMBRY. As a matter of fact, you talked frequently to Mr. McLaughlin, did you not?

JANE HILL. I do not understand you.

Mr. EMBRY. You talked with him like you are talking to me now?

JANE HILL. No, sir; I did not talk to him much, just a little bit.



Mr. EMBRY. You talked to him all you wanted to talk to him, did you not? You answered his questions like you are answering mine?

JANE HILL. I did not say anything to him. He asked how old my boy was, and I told him 15.

Mr. EMBRY. What is your boy's Indian name?

JANE HILL. A-lan-o-ta-ko-thet.

Mr. EMBRY. The Indians all called him by his Indian name, did they not?

JANE HILL. Yes, sir.

Mr. EMBRY. When he was allotted they called him by his Indian name?

JANE HILL. Yes, sir.

Mr. EMBRY. You never heard him called by this other name until after he was allotted, did you?

JANE HILL. No, sir.

Mr. EMBRY. Isn't it a fact that before he was allotted over here with the Shawnees he had no English name? That is, he had no McCoy, only Bill Johnson, name at all?

JANE HILL. No, sir.

Mr. EMBRY. Did he have any McCoy or Bill Johnson name before he was given an allotment here with the Shawnees; he just had the Indian name, did he not?

JANE HILL. Yes, sir.

Mr. EMBRY. When they were allotting these boys, they did not know any Johnson or McCoy name. The allotting agent gave them a name often, did he not, like a white man's name?

JANE HILL. Yes, sir.

Mr. EMBRY. When they allotted your boy over there, did they not give him a name like a white man's name?

JANE HILL. I do not know.

Mr. EMBRY. When they allotted him with the Shawnees, you do not know whether they called him Titus McCoy?

JANE HILL. No, sir.

Mr. EMBRY. The Indians always called him by the Indian name?

JANE HILL. Yes, sir.

Senator CURTIS. Was he ever known as Titus McCoy?

JANE HILL. No, sir.

Senator CURTIS. Was he ever known as Billie McCoy?

JANE HILL. No, sir.

Senator CURTIS. Was he ever known as Billie Johnson? Did not the men call him Bill Johnson?

JANE HILL. Yes, sir; that is my boy's name.

Senator CURTIS. Did they not call him Billie sometimes for short?

JANE HILL. I do not know.

Mr. EMBRY. How long has his name been Bill Johnson?

JANE HILL. We called him that since the time he was a little bit of a boy about four months old.

The witness was thereupon excused.

Senator CURTIS. I want the record to show that Mr. George Outcalt asked permission to send to the committee an affidavit of statements covering any matters submitted in evidence since he was on the stand in Washington, and I would like the record to show that Senator Curtis requested that Mr. Bentley be examined in Shawnee at this time.

The CHAIRMAN. I do not see how we can do it. We have made every preparation to go home. Besides, I think there are other reasons why it should not be done.

Mr. BENTLEY. I think it would be manifestly unjust to the Commissioner, if I should testify here. He has made very damaging statements in regard to me and I think he ought to be permitted to cross-examine me.

The CHAIRMAN. There are certain documents that we ought to have on hand when we examine Mr. Bentley. And Mr. Bentley will want them, and while we shall not probably have the pleasure of Mr. Embry's attendance, the Department is well supplied with competent men to take Mr. Embry's place. I do not see how we can proceed with Mr. Bentley to-night.

Mr. THACKERY. They have not all the same familiarity with the case, Mr. Chairman.

The CHAIRMAN. If Mr. Embry can come with us, it will be entirely satisfactory. If not, I think there is a gentleman in the office now who is very competent in all particulars, Mr. Woodruff. I know he is specially interested in the Indians, and he is a bright young man. There will be no trouble about the Department supplying their assistants. Mr. Bentley's testimony will take at least a day, and as far as I am concerned I do not see how we could spend the time now. So I propose we adjourn this committee when we get through here to-night, and examine Mr. Bentley in Washington. If Mr. Outcalt thinks he ought to be examined further and comes to Washington, I will be willing to examine him. Or he can send in anything he wants and have it verified before an officer.

The subcommittee thereupon, at 10 o'clock p. m., adjourned to meet at Washington, D. C.

SUBCOMMITTEE OF COMMITTEE ON INDIAN AFFAIRS,  
UNITED STATES SENATE,  
*Washington, D. C., December 3, 1907.*

The subcommittee met at 10.30 o'clock a. m., pursuant to notice.

Present: Senators Teller (chairman), Curtis, and La Follette; also Mr. John Embry, United States attorney for Oklahoma, and Mr. M. J. Bentley, representing the Mexican Kickapoo Indians.

Mr. BENTLEY. Mr. Chairman, as I understand it, I am expected to make a general statement at this time.

Senator CURTIS. I desire to ask you some preliminary questions, and then you may proceed with your statement.

**STATEMENT OF MARTIN J. BENTLEY.**

MARTIN J. BENTLEY, having been first duly sworn, testified as follows:

Senator CURTIS. State your name to the committee.

Mr. BENTLEY. Martin J. Bentley.

Senator CURTIS. What is your age and place of residence?

Mr. BENTLEY. I am 47 years old. My home is at Shawnee, Okla.

Senator CURTIS. How long have you lived at Shawnee, Okla.?

Mr. BENTLEY. Nearly seventeen years.

Senator CURTIS. How long have you been acquainted with what is known as the Kicking Kickapoo band of Indians?

Mr. BENTLEY. Since about 1893 or 1894.

Senator CURTIS. Did you know any of the individual members of that band of Indians before that time?

Mr. BENTLEY. I think perhaps three or four of them.

Senator CURTIS. I wish you would state to the committee your first connection with Kicking Kickapoo band of Indians.

Mr. BENTLEY. My active connection with them, do you mean?

Senator CURTIS. Yes, sir.

Mr. BENTLEY. My active connection with the affairs of the Kickapoos began in the winter of 1894. At the time the Kickapoos were in bad repute with the Indian Department because of the circumstances leading up to their forcible allotment and the sale of their surplus lands in excess of 80 acres without their consent.

That majority element of the tribe known as Kicking Kickapoos had refused to treat for the sale of their lands and were refusing absolutely to have anything whatever to do with the question of allotment. When the allotting agent arrived, they moved to another valley 10 miles to the north and thereafter refused to confer with agents of the Government, and more particularly the Indian agent in charge, the late General Thomas, who, instead of by persuasion, attempted to control them by force.

They numbered about 200, while the progressives or minority band numbered near 50.

Allotments and schools were the two great bugaboos except the deputy United States marshals, who swooped down upon them regularly, taking sometimes one and sometimes two wagonloads of them to the Federal jail, 80 miles away. This was done not because the Indians were guilty of any violation of law, but because it was profitable to the marshals.

Thirty were in the Federal jail at Guthrie charged with introducing whiskey, which charge it developed later was absolutely false. When one blustery December day a posse of marshals appeared at the village and announced that they had come to arrest and take their children away from them, the trouble began.

The children took to the brush, disappearing like a flock of quail. Their parents were commanded to call them in, which they, of course, refused to do. One old squaw with a grandchild on her back was nearly scalped by a 6-shooter in the hands of a deputy because she would not surrender the child. The old men were clubbed and maimed, and finally all the adults in the camp were arrested and brought before the United States commissioner at Shawnee, Okla., 18 miles from the Indian village.

I inquired of the deputies what the Indians were charged with, and they notified me that it was none of my business—that if I interested myself too much I would get a trip to Guthrie. I appeared before the Commission when they were arraigned and insisted that they were citizens of the United States and were entitled to the protection of the law as other citizens of the country. After much effort and the aid of the few property owners then in Shawnee, I succeeded in making bond for the appearance of all of them, and they were released. Shortly after this, through the efforts of Mr.

Field, those imprisoned at Guthrie were released and came home. The deputy marshals threatened us, and the Indian agent became furious. He said we were interfering with the policy of the Department toward the Indians and defeating him in his efforts for their advancement, yet at no time nor in any way had we done other than to aid the Indian in securing the protection of the law.

The Indians had established their village on the land that had been given by the Government to the Territory of Oklahoma for school purposes. The Territory had leased these lands, and the lessees were demanding possession, but the Indians would not move. The Indian agent had asked that the United States cavalry stationed at Fort Reno be detailed to aid him in moving the Indians off of the school lands and putting them on their allotments. The Indians in some way found this out, and sent a delegation of their strongest men to Washington to learn from the President's own lips if he was going to permit them to be moved by the bayonet. After their arrival in Washington they first went to the Indian Office. The Commissioner of Indian Affairs, the Hon. D. M. Browning, told them they were a pack of dirty, kicking scoundrels. He ordered them out of the Indian Office and warned them not to return, sent his messenger to Beverage's Hotel and told the proprietor the Commissioner said to kick them out into the street—that they were a lot of kicking vagabonds, that the Government had no use for them and would not pay for any subsistence or shelter that he might give them.

They then appealed to President Cleveland, who in my presence told them that he was aware that they had been robbed and deceived; that he was ashamed of his countrymen for such doings; that while he could not undo the great wrong that had been done them, he was willing to aid them; that they should not only be fed and sheltered while in Washington, but should be provided with clothes and other necessities. He told them if they would try to make the best of their sad situation he would ask Congress to appropriate money to enable them to make new homes and to improve their lands and to start anew, and that he would permit them to nominate their own agent.

The Commissioner of Indian Affairs, in view of having so harshly treated the Indians and of the Office prejudice against them because they would not yield to imposition, strongly opposed the President's disposition, and the Secretary of the Interior signified a decided unwillingness that they should be permitted to nominate their agent. The President's well-known will prevailed, however, and he in every way fulfilled his promise to the Kickapoos. This just and consistent treatment inspired the confidence of the Indians, but increased the prejudice of the Department against them. The then chief of the land division of the Indian Office, now Assistant Commissioner, from that day to this has failed to become reconciled.

Mr. EMBRY. Pardon me. What was the name of the last officer you named?

Mr. BENTLEY. Larrabee. The Kickapoos under the new condition brought about by the President's interference moved onto their allotments, built houses, broke out and inclosed fields, and became tillers of the soil in earnest, and in 1901 they were in a prosperous and progressive condition. At this time the Department over their

protest put them under the jurisdiction of a bonded school superintendent, and a new and different policy was adopted. Within a few months after this change their best mules were stolen and driven away by white people, a trader's store was established by friends of the agent near the agency which destroyed the credit of the Indians elsewhere and with the result that the Kickapoo's lease and annuity money only bought him half as much as it did before. Indians who had farmed and managed their own affairs up to this time were not only permitted but were encouraged to lease their allotments so that the revenue from their farms would pass into the hands of the agent and from his hands to the coffers of the traders. Guardians were appointed for minor children where the parents were living and the allotments of the children which had theretofore been farmed by the parents were leased without their consent and from under them. A renegade element of neighboring tribes found that they could prey upon the Kickapoos without interference from the agent; some were assaulted and maimed and were neither given medical treatment nor moral support by the agent because they expressed confidence in and friendliness for me. The result was the Kickapoos again fell into a state of disaffection; they said, "The Government has quit our agent, and we will quit the Government; we will go back to Mexico, where we can have our own agent and have some voice in the conduct of our affairs." They moved and would have been contented and successful in their new location if the plainly expressed will of Congress had not by indirection been thwarted.

I feel that circumstances warrant the assertion that the Indian Office failed to give me the encouragement that my effort and my success with the Kickapoos merited. I worked upon the theory that labor was the salvation of the Indians and that labor being a habit, that by persuasion it could be established among the Indians, and I know I did establish it and with the active continuous opposition of some of my superiors.

In 1896 I was appointed special agent of the United States to locate the Kicking Kickapoos upon their allotments. The President told me that I was going into the Indian service under very trying circumstances; that he had my appointment made over the protest of the Indian Bureau, but he also said, "You have the confidence of the Indians, go down among them and do your duty, be honest and diligent, and if it is necessary in order to protect the Indians and make your work among them a success come back to me." Under this invitation I within one year found it necessary to make three trips to Washington at my own expense in order that my efforts should not be frustrated.

One James G. Dixon, then a special agent in the Indian service, was detailed to put the Indians on their allotments, and I was assigned to assist him. Although the Indians were told that I was to be their agent, I was given no authority whatever except that which came through Dixon. We arrived at Shawnee on the same train from Washington. Dixon gave me my first instructions on the train. He directed me to hire two of the best livery teams in the city. I asked him what we would do with them, and he said, "We will make short work of them, we will go out on the reservation and scatter them." I asked him what they were going to do for equipments,

how the Indians were to remain scattered, if we put him out on a new piece of land without shelter, provision, or implements. He said that was no concern of ours, that our instruction was to put him on his allotment. Instead of following the plan of Dixon, I proceeded to their village on Deep Fork, 12 miles to the north of their allotted land, and persuaded them to move down in a body to the Kickapoo Springs on lands allotted to some of them in the center of the allotted district where there were several of their old abandoned fields. Here we constructed a new village and proceeded to fence and improve the surrounding lands. Our equipment was so limited that we were compelled to go slow, but from that time on as fast as the Government would furnish equipment the Indians were put on their individual allotments, extending along the North Canadian River for a distance of about 18 miles. As soon as crops had been planted, so that each Indian had a corn patch and some truck growing, the able-bodied members of the tribe made a new camp 1 mile west of Shawnee, Okla., in the timber. Here fence posts were made by the Indians to the extent of many thousands. Those who had teams hauled them out along the section and allotment lines, and the allotments of the larger families were inclosed together where it was practicable. Within these inclosures places for fields and homes were selected, wells were bored, and, as fast as they could be supplied with absolute necessities, the different families moved from their allotments and began to cultivate them individually.

It might be of interest at this time to state that the allotments of Okemah and his family, comprising 500 acres adjoining the city of Shawnee, were by Okemah's own labor inclosed with a substantial fence, where he pastured cattle and horses for the town people at \$1 a head per month. The custom was that the town people turned their cows in in the morning, and in the evening they were gathered by the Indian boys and driven into a large corral at the entrance of the pasture, where the white people came for them. This taught the Indian boys the habit of regularity, while the revenue contributed materially to the support of Okemah's large family. About this time United States Inspector Charles F. Nesler was sent to investigate me. Among other things that he reported unfavorably on was this Indian pasture. He said that my arrangement was an indirect effort to defeat the Department's regulations providing that white people should not occupy Indian land without procuring a legal lease. All of Mr. Nesler's observations of what I had done were unfavorable to me. The Commissioner of Indian Affairs, the Hon. W. A. Jones, visited the Kickapoos soon after and from a personal inspection commended me for all the inspector had condemned me.

The work of placing the Kickapoos upon their allotments went forward gradually, the old and infirm were induced to lease their allotments, and the natural guardians of minors, where the parent could not occupy the land to advantage, were induced to lease them. Within a period of two years from the time of my appointment each and every Kickapoo Indian had in some way become identified with his allotment. Those who were capable of living upon their own allotment or those whose allotment was suitable for occupancy by reason of location or otherwise were living upon and improving them. During 1898 S. M. Brosius, an agent of the Indian Rights Association, appeared upon the scene. Mr. Brosius, after observing the fields,

farms and homes, and the much improved condition of the Indians, well knowing that I was exerting the best energy of my life to accomplish that which the Government of the United States had always sought in vain to accomplish for Indians, and well knowing that the desired end was accomplished, the Indians being placed upon their lands and becoming successful tillers of the soil, contentedly occupying their allotments and earning their own living therefrom and enjoying the first era of contentment in forty years, reported in part as follows:

The evidence shows that said Bentley has not only not been encouraging these Indians to settle upon their allotments, but that he is apparently opposed to that policy, causing many to abandon the homes which they have heretofore somewhat improved, and many others have become discouraged by his actions and do not know what to do, fearing that in the near future they will be compelled to leave their allotments and remove to some other locality. It is further shown that said Bentley has not encouraged the Indians to patronize the schools provided for them, and that his advice is confusing to them, and they fear that some great calamity is about to overtake them. I am satisfied that other irregularities exist in this connection and am deeply impressed that a great wrong is being done these Indians, one that calls for a rigid investigation of the whole subject by a competent Indian inspector.

In this connection I wish to enlist your cooperation to the end that this inspection may not be a farce and that some officer may be directed to do this work who is fearless and, knowing what is right, will do it.

That was addressed to you, Senator Curtis.

Senator CURTIS. That is the one I sent in to the Department.

Mr. BENTLEY. The above appeal by Mr. Brosius was thus indorsed by Francis E. Leupp, reporter for the New York Evening Post:

WASHINGTON BUREAU NEW YORK EVENING POST,  
WYATT BUILDING,  
September 10, 1898.

DEAR SIR: I hand you inclosed a petition supported by affidavits which I received this morning from S. M. Brosius, agent of the Indian Rights Association, who was prevented by urgent business from returning to Washington to present them in person.

As an ex-representative of the Indian Rights Association I feel a strong interest in Mr. Brosius's work and join with him in the hope that the strongest man you can spare in the corps of inspectors will be detailed to make this investigation.

Sincerely, yours,

FRANCIS E. LEUPP.

Hon. THOMAS RYAN,

*Assistant Secretary of the Interior.*

The petition filed by Mr. Leupp contained 11 specific charges, the first, second, sixth, seventh, and tenth being:

First. That Martin J. Bentley, in charge of many of these Indians, by his administration of said office is thwarting the good intention of the United States by leading many of the said Indians to believe that they can dispose of their allotments already made, and encouraging them to believe that they can secure other reservation lands where their tribal relation can be continued and their lands be held in common.

Second. That numerous families of the said tribes, believing the representations made to them by said Bentley, have abandoned their allotments already improved and again embraced the shiftless life they formerly led, the purpose of the United States being thus defeated and the funds appropriated being worse than wasted.

Sixth. It is thought that an investigation will reveal the fact that said Bentley has established a system of paying Indians funds due them by issuing orders on merchants, thus affording abundant opportunity for gain to himself by division of profits with consequent loss to the Indians.

Seventh. In consequence of the policy apparent on the part of said Bentley to defeat the Government's intention to settle the Indians on their allotments, no care is exercised in settling the Indians on the particular tracts allotted to them, and after improvement has been made the Indian is discouraged to ascertain that he is not located upon his own allotment, becomes discouraged and abandons the new way pointed out to him by those who have his interests at heart.

Tenth. That said Bentley does not give the attention to the Indians under his care that his position contemplated, long periods elapsing during which he is not on the lands where the Indians are located, one instance being reported wherein he is said to have been absent for a period of two and a half months.

As a result of these charges, and the Secretary apparently following the advice of Mr. Leupp, a United States inspector was detailed, a man of experience and whose honesty and ability has never been questioned. Hon. Cyrus Beede was detailed, and, after a most thorough and diligent investigation of the charges made by Mr. Brosius, reported in part to the honorable Secretary of the Interior, under date of October 3, 1898, as follows:

I have thus gone through with the testimony actually taken in Mr. Bentley's case, but may say that numbers of men that I believe bear good reputations have stood ready and evinced a willingness to testify to Mr. Bentley's integrity and efficiency as well as absolute devotion to his wards.

I should say that Brosius insisted that I was often absent two or three months and really gave the Indians no attention—

If an Indian is in trouble he goes to the rescue. He furnishes his own means of transportation; has, I am told, worn out one buggy in the service; he furnishes his own office by securing a desk in an office of a generous man of the town. He can not be with the Indians and also attend to the clerical work of the office. He employs an Indian clerk at his own expense, and, what is peculiar about him, he employs one of his enemies, who gave testimony sustaining the charges of Mr. Brosius, as his confidential clerk. (He carries his office papers in his satchel to and from home every day.) I called upon his clerk to testify and his testimony appears on page 15. I have been over the lands and observed them along the road as much as I felt that my time would permit. In one inclosure of Kicking Kickapoos I find a good pasture located close to town, where the stock of the townspeople is pastured at a certain price per head. In another is cultivated ground; in another is a hay field, with large stacks of hay ready for market; in one close by town is a race course and fair ground leased by the Indian; also, the circus managers desiring to show in Shawnee must pay tribute to a Kicking Kickapoo for a place to hold forth near town. I have myself seen these Indians in town during my short stay with wagons loaded, or partly loaded, with something to sell. I believe Mr. Bentley to be very particular that the lease money goes into the hands of the Indians, and that, while he goes personal security for the payment of purchases made by the Indians, he will not even retain the money of the Indians, when in his hands, to secure himself. It may, with a good deal of propriety, be asked: Why will Mr. Bentley so interest himself on the behalf of those Indians on a salary of \$1,200? I believe this question can only be answered, so far as anything has come under my observation, that in the better sense of the term he is an Indian "crank;" and my impression now is decidedly that he should not be interfered with by the Sac and Fox agent in any wise; that his employees should be absolutely under his own control and paid by himself. To illustrate, the Sac and Fox agent, employing the farmer and detaching him for Mr. Bentley's use, can exercise an influence over him very prejudicial to Mr. Bentley's management. He can call him away at pleasure, as he has done now, probably to settle with him at the close of the quarter; but it should take but two days for this, and even this time might not be lost were Mr. Bentley paymaster for his own employees. And in the detail of a policeman Mr. Patrick sends an Indian who has served a term in the penitentiary for stealing from a Kicking Kickapoo, and of course he can be of no service among the Kickapoos.



Referring to the latter part of your instructions, that I furnish you with a detailed statement showing what Mr. Bentley's verified statement made under my own supervision, which is believed to account for every Kicking Kickapoo and very many of the progressives.

I am of the opinion that Mr. Bentley is doing a grand work for these Indians, and I fear it is hardly appreciated. He should, in my judgment, be liberally supported. I think the testimony will convince the honorable Secretary that the charges against Mr. Bentley are not sustained. I recommend that in the interest of the service and in justice to Mr. Bentley that he be allowed a clerk, an office, and a team and buggy, and that he have entire charge of all the Kicking Kickapoos, and also the progressive Kickapoos, including their lands, leasing, etc.

I am, very respectfully, your obedient servant,

CYRUS BEEDE,

*United States Indian Inspector.*

I have before me the testimony of 30 of the most reputable men in that country, but I will only read the testimony of one:

J. W. WAYNE (white), being duly affirmed, testifies as follows:

I think it was in 1895 when I came here. I came from Oklahoma City in the hack and there was no improvement in the Kickapoo that I saw; the country was wild. I know I went hunting one time with an Indian and it was all wild. The Indians all lived over in what is called the Kickapoo village; none of them seemed to talk our language or try to act like a white man as far as I could see. Since Mr. Bentley has taken charge of them I see they are fencing and improving a great deal. They bring a great deal of corn and hay to market; I have bought wood from them. Squaws tan a great many deer hide for me. I see them bringing in corn, hay, potatoes, etc. I bought roasting ears from Par the and other Indians. One or more of these Indians have told me personally that they never tried to be a white man until Bentley took hold of them. I know that these Indians have perceptibly improved under the influence of Mr. Bentley. I have been to their camps to buy fur before Mr. Bentley took charge; I could see then how they lived, some of them living in camps. I have been to their places since; now they live in houses and have farms. I know when we have stock to graze we take it over to Oke mah's place; we pay him a dollar a month on the head. I know there is a dairyman who keeps his stock out there. The Indians made that pasture by building the fence themselves under the instructions of Mr. Bentley.

Mr. Bentley gives all of his time to the Indians and I have heard it said that Mr. Bentley gave more of his time to the Indians than he did to his family.

J. W. WAYNE.

Subscribed and affirmed to before me this 27th day of September, 1898.

CYRUS BEEDE,

*United States Indian Inspector.*

In view of the fact that the inspector in his report squarely and positively contradicts each and every statement of Mr. Brosius, it should be observed that the inspector based his report upon close and careful personal investigation, and that he also took the statements of numerous men of the highest characters in that country, men who were in a position to know both the past and present conditions of the Kickapoo Indians.

These statements he attached to his report, and among them I call attention to the sworn statement of J. F. Holden, now passenger-traffic manager of the Rock Island system, which letter will be found in the Appendix, page —.

If the committee please, I wish also to read the sworn statement of Henry Wood, and to say that Henry Wood at that time was the general manager of the Choctaw system of railway. His home is in

Philadelphia, and he is a well-known citizen there. I think he is now president of the Midland Valley Railroad of Indian Territory and Oklahoma.

His statement is as follows:

The affidavit was read and made a part of the appendix. See page —, Appendix.

Now I wish to read in part the statement of O. S. McEwen. He is the conductor who ran across that country on the first passenger train and has continued to run up to this time. For statement see Appendix, page —.

Now, there are 30 or 40 similar statements from the presidents of banks. The county superintendent of public instruction of the county in which I operated had land among these Indians and was in a position to personally know what they were doing, and I want to read from his statement in part. His name is L. E. Cooley. The statements of L. E. Cooley and F. S. Goodrich were read, made a part of the appendix. See page —.

Now, I might read this kind of testimony for hours, but I do not suppose the committee desires to hear it.

Senator CURTIS. It is all in the record, is it not?

Mr. BENTLEY. Yes, sir; it is all in the record.

Senator LA FOLLETTE. When were those statements taken that you have just read?

Mr. BENTLEY. They were taken at Shawnee, Okla., by Mr. Beede at the time that the Indian Rights Association preferred serious charges against me, and they reported that——

Senator LA FOLLETTE. How long ago?

Mr. BENTLEY. In 1898 or 1899. In this connection I desire to say that I was in the city of Washington after the appointment of the present Commissioner of Indian Affairs was announced and before he qualified and assumed the office. I called upon him at his office and attempted to give him some idea as to the condition of the Kickapoo Indians and my purpose toward them. He, in a very arrogant and insulting manner, said: "If you have anything to present to me, you may present it in writing, but you will have to swear to it before I will give it the consideration to read it." Thus insulted I left his office, and, of course, did not present any communication to him.

In the much-discussed subject of the Kickapoo Indians going to Mexico and the causes that led up to their going, the part I took in their going, and why they want to remain there, and why they should be permitted to remain there I shall speak freely and with the fullest frankness. I want both the committee and those of the public who may concern themselves in this affair to have the fullest and most accurate information upon the subject, and I believe myself most competent to speak from any point of view.

First, a majority of the adult Kickapoo Indians living in Oklahoma in 1896, when I was appointed their agent, were either Mexican born or had lived in Mexico in their younger days. They then as now spoke more or less of the Mexican language; the father and part of a family had been captured thirty years before and brought as prisoners to the United States; the mother and part of the children had escaped the cavalry and remained in Mexico. And from the day that the 400 captive Kickapoos were landed by the cavalry as prisoners of war at Kickapoo Station, Okla., 1874, it had been their life's dream to return to those and to the country that was all in all to them.

The first conversation that I ever had with a Kickapoo Indian he told me that he was captured and taken away from his wife and two children and his mother in Mexico long ago, and asked me if I thought if he took an allotment that would cut the string that held him in Oklahoma, that he then might go back and see his children that were babies when he saw them last, but were now, he had heard, man and woman grown and had children of their own.

I assured him that a man, a real manly man, had a right to go anywhere on the face of the earth provided he had industry enough to acquire means with which to pay his way and to look respectable. I told him "get onto a piece of land, build you a home, and make a living and accumulate some money, and when white people see that you can help yourself somebody will help you."

At the councils, both before and after I became agent, I always told the Kickapoos that there was but one means of escape from what they deemed bondage, and that was to go onto their lands and improve them and learn how to make a living; that if they did that neither the Government nor anyone could be heard to say, "You are a good-for-nothing, lazy, worthless Indian and we must hold you here."

While I have been harshly criticised for the means I took to create an industrious spirit within a Kickapoo Indian, he never had labored, no condition nor environment had ever surrounded him that in any way tended to inspire a disposition for labor or advancement. Thus the first and great requisite to be supplied was incentive, and I knew, nor was I able to devise any other means of aspiration. My argument appealed to him, and he in fact and in deed in the period of a few years became a different and a better kind of man. He labored as other men labor, and for the same purpose; he had an aim in life, and by his industry he saw or believed he saw a way out of his trouble.

Taking up the treatment of these Indians by agents of the Department in Mexico, the action of Mr. Outcalt, Mr. Thackery, and the Indian Office, I desire to say that the records of your honorable committee will show that I appeared before you and fully and frankly told of the desire of the Indians, the character and kind of land they sought to acquire, its location, and the number of cattle and stock it would support. Witnesses were called who verified my statement, and you, to provide a home for these Indians, reported favorably the legislation asked for to the Senate, and it became a law.

Mr. Leupp and Mr. Thackery were present and heard the plan outlined; both knew that it was the judgment of the committee that the Indians should be permitted to take the title to their land in Oklahoma, that they might convert it into a pool and with the proceeds acquire a new home in Mexico.

At a hearing before your committee April 4, 1906, in the presence of Mr. Leupp and Mr. Thackery, I made this statement:

MR. BENTLEY. There is one matter, Senator, that I should like to lay before the committee. That is, that the all-important thing to these Indians is the question of being permitted to dispose of their estate in this country, so that they may acquire a place over in Mexico that will be a home for them for all time to come. If they are only permitted to dispose of their lands here in pieces, they can not acquire the place over there they want.

At the same hearing Commissioner Leupp said (see p. 325, Appendix B) :

And would it be of advantage, in your judgment, to have a general item of legislation which would authorize the purchase of the lands of all the Indians who had given up whatever fragment of allegiance they might owe to the United States and had removed somewhere else with the intention of permanently residing outside the jurisdiction of the United States?

Mr. BENTLEY. It would depend entirely on the conditions that would be attached to sales. If the Indians were permitted to sell their lands in the open market that is the very thing they seek to do.

Commissioner LEUPP. Would those Indians who have allotments in Oklahoma and are with you in Mexico relinquish for a reasonable price what they have in Oklahoma?

Mr. BENTLEY. They would relinquish the titles for what the lands would actually bring; yes, sir.

March 24, 1906, Frank A. Thackery was before your committee and was present and took part in the following discussion :

Senator McCUMBER. These Indians here said that their children died very rapidly in this country and that they lived longer down there.

Mr. THACKERY. The real reason is probably this: That there is more game there; that they can live as Indians.

Mr. BENTLEY. Is not that a good reason?

Senator McCUMBER. If you give them Indian conditions, they will be all right, for we certainly have not improved the Indian with all of our civilization. He was at heart a better Indian when he was alone and lived as an Indian.

Mr. THACKERY. I am satisfied that those who are there expected to get this land and hold it in common. That will not be the case, however. They will soon be surrounded there by white men. I believe they have a right as individual citizens to go where they please, but as an officer of the Government I would like to see that they are protected. If they are going to have a title there, let them get a proper title.

Mr. BENTLEY. The Indian is as sensible as you are that the white race will follow him across the Rio Grande, and realizing this condition, he has selected an ideal place for his home, which, however, we were not able to secure.

This land that they have been hoping to secure is land that they themselves have selected; it is land that the older ones among them have known for forty years. It is an enormous basin surrounded by high and rugged mountains and by a country that can never be occupied by white men. It is conglomerate and limestone and the same character of country that is found across the Rio Grande River in Texas. This basin contains 238,000 acres of fine farming and grazing lands and numerous wells and artificial lakes, and now has grazing upon it more than 10,000 of white-faced cattle; 250 head of American horses are on it; it has several thousand goats in the mountains; the canyons are timbered with linwood and hard maple and timber that is indigenous to New York and Vermont. The natural increase of these cattle would provide the Indians with their beef, and they would never miss it. The surplus cattle that would be annually sold would provide for their limited necessities other than the farm products they would raise. Were they permitted to acquire this property, as I have stated before, these Indians would have a home and land long after the other Indians in this country will have nothing.

Senator McCUMBER. There will be electric railroads there after a while.

Mr. BENTLEY. Not in that conglomerate country, sir. There are some very rich silver mines in the mountains surrounding that country, but I do not think the miners would ever trouble the Indians. We might supply them with beef. There is only one disadvantage in that section of country in Mexico for cattle raising. The grasses are fine and nutritious, but when cattle are raised at an altitude of 5,000 feet and are then taken down to the railroads at an altitude of 2,000 feet they become subject to the Texas fever and often die. This tract of land the Kickapoos want to have for their permanent home raises as fine cattle as are raised in the world, and they would not have to irrigate the land there to raise wheat. But that has been beyond our means so far. This country is 175 miles off the railroad, the basin there is mesquite grass, and

is beautiful grazing country. I think the Indians could live there indefinitely, and I do not know any other place so suitable for Indians.

Mr. THACKERY. I might state in conclusion that the feeling I have as an officer of the Interior Department is that the matter of this emigration of these Kickapoos in reality is backed by a desire on the part of certain people to acquire title to their good lands over in Oklahoma. If I am wrong in that, the whole matter is practically over with me. I feel that there is such a desire to move these people with the ultimate view to getting their land.

It should be observed that this discussion took place on the 24th day of March, 1906, when both Mr. Leupp and Mr. Thackery were present.

If any member of the committee desires to question me at this point, I will be glad to answer any questions.

Senator CURTIS. I think you had better proceed. Is that all the statement you have to make?

Mr. BENTLEY. It is all that I care to make at this time. I wanted to quote a statement from the Congressional Record that was made when this matter was under discussion.

Mr. EMBRY. Senator, if it would not be convenient to Mr. Bentley I would like him to fully outline his statement now. I think it would be better to have him go on now and complete his statement.

Senator CURTIS. I think, perhaps, it would be better to have him go on now. I wish to ask Mr. Bentley several questions when he has concluded.

Mr. BENTLEY. It should be further observed that Mr. Thackery and Mr. Outcalt had in their possession in Mexico the complete record of the printed testimony taken before the Indian Committee of the Senate. Relating to the act of June 21, 1906, and the act of March 3, 1905, Mr. Outcalt stated to me that he had these records, and when I said to him, "You are seeking by indirection to defeat that which Congress has decreed may be done," he replied, "I have read every word you said at the hearings before the Senate committee, and if the committee wanted you to control the affairs of these Indians why did they not incorporate that in the law?"

At a later date, about the 18th day of June, Mr. Outcalt said to me, "Your Indians are giving me a fine send off." I have their letter to Senator Teller, which he put in the Congressional Record, and friends forwarded it to me.

The letter referred to is a statement prepared at the house of the Kickapoo Indian chief, with a full council present, and except as to dates and putting what they wanted to say in proper verbiage, they themselves through their own clerk dictated this letter.

The letter, or statement, is a part of the record and marked Exhibit No. 4.

This statement pertains only to the first seven that Outcalt was sent to investigate.

Now, that statement [Exhibit No. 4] was in the hands of Outcalt before the act of June 21 went into effect, and I would like to have somebody explain why he should have remained there seeking to take the statements of Indians that he knew would not sign anything for him. In the face of this statement in the Congressional Record here, which was forwarded to him and put in his hand, what was there for him to do? I have not quite completed this record.

This statement is complete and is duly authenticated. It is properly acknowledged and bears the certificate of the interpreter. It is

witnessed by Indians who signed their own names. They are very intelligent Indians:

Mr. Thackery and Mr. Outcalt have persistently denied any connection whatever with the Grimes crowd. I will call, in this connection, the attention of the committee to page — of Appendix, Exhibit No. 116, this being a letter from Mr. Thackery, at Eagle Pass, Tex., addressed to G. A. Outcalt, at Muzquiz, Mexico.

Now, in reference to the persons that Thackery said he would take along, every one of those Indians were friendly to Grimes.

This fellow Pah-pe-ah-she was Grimes's henchman from beginning to end. This fellow, Willie Murdock, who is suggested as the interpreter, the testimony in the record already shows was drunk continuously. Chah-ko-sot is a drunken, worthless Indian, and is one of those who aided Outcalt to hold me in prison and who was always friendly to Grimes. Mack Johnston is shown by the record to have been constantly drunk and disreputable, and it seems to me a little strange that after the full committee of the Senate had thought it was proper for these Indians to acquire land in Mexico, and proper it should be under my charge, that Thackery would go down there and cooperate with the Grimes crowd—he and Outcalt—to run the Indians out of Mexico. Having found they could not do what they wanted to do they suggested a commission of some sort—a lunacy commission, possibly—to be appointed to take charge down there, which is a matter I think they can explain possibly, but with some difficulty.

I do not care to make any further statement, except to read a short extract from the Congressional Record, and I do this because both Thackery and Outcalt knew this statement had been made on the floor of the Senate and had this record before them in Mexico, or had read it before they went there. Congressional Record, April 2, 1907, page 5886:

Mr. CLAPP. When this matter came up I was greatly prejudiced against Mr. Bentley. It was on the ex parte statements that had been made to us. We spent days on this matter. We had the Commissioner with us days there. When we got through, while it may not be of any value to anybody else, I became satisfied that this man Bentley was acting in the utmost good faith with these Indians. There never was a suggestion before the committee that the Indians had been paid in any improper manner or that they had been paid in Mexican money, nor was there the slightest objection made to making this bank the agency through which the payments should be made.

I submit to this subcommittee, now, that if Mr. Leupp and Mr. Thackery had such grave and serious grounds to doubt my good faith before the committee, which, as Senator Clapp has said, spent days and days on the matter, taking the fullest testimony, and they offered nothing against me, why should they have followed these poor Indians over to Mexico, sending their officers down there upon a pretended investigation, with the result that they were debauched, imprisoned, and ruined.

At this time I wish to refer to page 12 of the general record in this case.

When I arrived in Shawnee, Okla., on my way from Washington to Mexico, I stopped off there that night.

Senator CURTIS. What date was that?

Mr. BENTLEY. May 22, 1906. I learned there that Thackery and Outcalt had gone in advance of me to make some investigation as to

the first 7 Indian allotments, those referred to by the act of March 3, 1905, and from information gathered at Shawnee at that time I was satisfied that they had gone into a conspiracy to aid Grimes and his party to rob the Indians, and I sent the following telegram from Ada, Ind. T., May 23, 1906. By way of explanation, before quoting the telegram, I wish to say that in order that the significance of the telegram may be more fully appreciated, I desire to now quote a few lines of the amendment then pending, which is No. 136, and which began as follows—

Senator CURTIS. That was a Senate amendment?

Mr. BENTLEY. That was Senate amendment No. 136.

All restrictions as to sale and incumbrance of all lands, inherited and otherwise, of all adult Kickapoo Indians and of all Shawnee, Delaware, Caddo, and Wichita Indians affiliating with said Kickapoo Indians now or hereafter non-resident in the United States, who have been allotted land in Oklahoma or Indian Territory, are hereby removed.

Now the telegram:

ADA, IND. T., May 23, 1906.

HENRY M. TELLER,

*Care of United States Senate, Washington, D. C.:*

Senate amendment 136, line 15, strike out "sale and incumbrance" and add the word "leasing." Indian agent in Mexico trying to defeat the object of Congress with large party of white men. If permitted to sell, plan failure. If permitted to lease, best interests of Indians subserved. Wire quick ticket agent, Denton, Tex. My arrest planned by Government—help enemies rob Indians of their lands. On way Mexico.

M. J. BENTLEY.

I sent the following telegram to Mr. Field, the attorney of the Kickapoo Indians:

ADA, IND. T., May 23, 1906.

W. S. FIELD,

*620 Colorado Building, Washington, D. C.:*

See my telegram to Teller. Thackery, Outcalt cooperating with Grimes. My arrest planned so they can rob Indians. Knock out "sale" and insert "leasing."

M. J. BENTLEY.

I wish to direct the attention of the committee to the effort made by our Federal officers to bribe the Mexican officers to prosecute me.

Mr. Thackery, in a telegram to the Indian Office under date of June 1, 1906, stated, in part, as follows:

We find eight Oklahoma men at Muzquiz to buy Kickapoo land, in case restrictions are removed. Bentley's evident object in securing official order mentioned above is, first, to prevent our investigation, and, second, to make it impossible for an outsider to purchase Kickapoo lands, excepting through Bentley.

It is further reported with apparent truthfulness that the vice American consul is to go to Musquiz to take acknowledgments to deeds for Bentley. If restrictions are removed, this should be prevented, thus making it necessary for Indians to go to Eagle Pass to acknowledge deeds where there would be competition for their lands. It is evident that Mexican laws have been violated in dealing with Kickapoos, and Outcalt and myself urge that authority be granted to expend not exceeding \$500 in employing Mexican attorney to prosecute violations of Mexican laws in dealings with Kickapoos. This action would better open up the case for prosecution in United States.

Now, I think, from the testimony already taken by this committee and the observation of the character of the prosecuting officers in Mexico, it is evident that for a fee of \$500 anybody could be prose-

cuted down there, whether guilty of a violation of law or not, and I think it is not assuming too much to say that they had no other purpose in asking for this \$500 except to bribe the prosecuting officer of that district to put me in prison, so that their friends could have better access to the Indians. In this telegram stating that Mr. Bonnet should be prevented by all means from going to Muzquiz, so that the Indians would be compelled to go to Eagle Pass, where they would have competition for their land, Outcalt and Thackery well knew that every person there was in one combination at that time and corralled the Indians in the wagon yard and had them debauched with whisky and beer. Everybody in that country knew it, and they especially should have known it, because they were Government officers and were apparently under their instructions.

Suppose Bonnet had gone. He would have been carrying out to the letter the understanding of the full committee of the Senate as to what should be done with those Kickapoo lands.

Referring to Outcalt further, Outcalt in his testimony before the subcommittee last winter insisted that he was prohibited from entering the Kickapoo village, and that he did not return to the village from May 31, 1906, until after July 26, 1906. He testifies that one of the times he was out there Johnny Mine came to the camp where he slept and annoyed him very much. To show that Outcalt's statement is absolutely false and that he did go to the Indian village several times, I refer to this circumstantial proof, which is conclusive and beyond any doubt whatever.

First, Outcalt came on May 31. Later on he came back to the camp while I was there and while Johnny Mine was there, and I well remember that Johnny Mine did annoy him. But Mine and I left the camp on June 17 or June 18, and Mine did not return to that camp until after Outcalt, on the 28th or 29th of July, had left Mexico for good. So there can be no question about that.

I want to say further that Mr. Outcalt, from May 31 to the time I left the camp, probably about the 12th of June, possibly the 14th, somewhere along there, was there at least three times, and stayed all night there once.

Senator LA FOLLETTE. To your personal knowledge?

Mr. BENTLEY. To my personal knowledge. I want to say further that Mr. Outcalt in his testimony stated positively that he had nothing to do with my arrest in Mexico.

Senaor CURTIS. His sworn statement or his vouchers show that he was in camp on May 30, June 13, June 15, June 27, July 5, July 15, July 26; and that he was at Guajardo's house June 25, July 13, July 20, July 21, and twice July 26. He was there two trips July 13 and July 20.

Mr. BENTLEY. I have not been able to understand why he swore he was not there when he was frequently there, as his expense account shows.

Senator CURTIS. Does he swear he was not there?

Mr. BENTLEY. He swears positively he was not there from May 31, 1906, to June 26 or 27, 1906.

Senator LA FOLLETTE. Do you read that from the record or state it from recollection?

Mr. BENTLEY. I have stated it from the record. I will later in this record give the page on which his testimony appears.



Senator CURTIS. His expense account shows as follows:

Outcelt reached Eagle Pass May 24, 1906; arrived Muzquiz May 29, 1906.

First visit to Indian camp May 30, 1906.

Second visit to Indian camp June 13, 1906.

Third visit to Indian camp June 15, 1906.

Fourth visit to Indian camp June 27, 1906.

Fifth visit to Indian camp July 5, 1906.

Sixth visit to Indian camp July 15, 1906.

Seventh visit to Indian camp July 26, 1906.

Visited Jefe Politico Guajardo's house:

First time June 25, 1906.

Two trips on July 13, 1906.

Two trips on July 20, 1906.

One trip on July 21, 1906.

Two trips on July 26, 1906.

Senator LAFOLLETTE. Is there such a statement of Outcelt in the record?

Mr. BENTLEY. Yes, sir.

Senator LAFOLLETTE. Let it be inserted here.

Senator CURTIS. Quote it directly into the record.

Mr. EMBRY. Calling attention please to the page.

Mr. BENTLEY. Yes, sir. Now in relation to my arrest and imprisonment in Mexico. All the records, all the testimony in this case, show that Mr. Outcelt dillydallied along under some kind of a pretext and waited up until the very day that the law had passed, until the telegrams came announcing the approval or the signing of the bill by the President, and that day he went, in company with Grimes, as shown by the testimony in the record, and took Mack Johnson, and induced him, as Mack testified before this committee, to commit perjury, and to swear I had assaulted him with a six-shooter, and took him up to the court. I will read the record made on that date:

At the margin a seal which says: Juzgado second local (second local court) Muzquiz, Coahuila. In the village of Muzquiz on the 22d day of June, 1906 presented himself before this court of my charge, Mr. G. A. Outcelt, American citizen, temporarily in this village, representative of the North American Government, according to his own statement and in the exercise of the commission which his Government has intrusted to him to investigate the matters which relate to the North American Kickapoos, who actually reside in this jurisdiction.

Now in this connection it should be observed that Mack Johnson was the paid interpreter of Grimes. Outcelt takes him there and induces him to commit perjury, which his testimony later shows he did in the same record, in order to hold me or lay a trap for me that I might be arrested on my return. Outcelt leaves, goes over to Eagle Pass, and comes before this committee, apparently unmindful of the record before him, and testified that he knew nothing of my arrest until the 26th day of June—perhaps it is the 25th. I will furnish the correct date.

Senator LAFOLLETTE. You have not read enough to disclose fully what their purpose was in going before that court.

Mr. BENTLEY. Shall I read the charge that Johnson makes?

Senator CURTIS. Read whatever you want to put into the record. You are the witness.

Senator LAFOLLETTE. From what you have read, I do not know exactly what you want to say.

Mr. BENTLEY (reading):

Mr. Outcalt presented a Kickapoo Indian, McJohnson, who said he was 28 years of age, being from the Territory of Oklahoma, United States of America, and a resident for some time in this village.

Interrogating the said Indian through Mr. Pablo Rodriguez, an interpreter named for that purpose, as to what he had to state to this court, he declared as follows: That I was at the Central Hotel in this village about the 4th of this month, talking with Mr. L. C. Grimes and another white man from Oklahoma Territory, when M. J. Bentley came with policemen and took me out by force from the room of these white men, and they took me to the camp of the Kickapoo Indians already referred to, and which is close to the San Francisco estate, on the edge of the Sabinas River; that he did not want to go with those men; that they took him by force; that they forced him to go with them; that they boarded a hack with M. J. Bentley and a policeman; that they left him at his camp that night, but that Bentley forbid him to leave the camp; that this took place about nightfall; that on the following morning a policeman came to his camp and said that Bentley wanted him, McJohnson, to sign a paper, to which he replied that he did not wish to sign it; that the policeman retired, returning again with the same errand of Bentley's, and again he refused to sign the paper; that the policeman retired again and in a little while returned accompanied by a servant of Mr. Roman Galan; that the two took him by either arm and obliged him to go where Bentley was; that when he arrived where Bentley was he again refused to sign the paper; that the policeman had him by one arm and the servant to Roman Galan had him by the other arm; that while they had him in this position the servant of Roman Galan hit him a blow on the head with a big pistol; that his wife and some other persons of his family were there, excited and crying, and in this way he was necessitated to sign the paper which Bentley wanted him to sign; that they did not read the paper to him, and he does not know of what it treated, but he thinks it refers to his lands; that he repeats that he did not wish to sign it; that Bentley forbade him to talk with the American, L. C. Grimes; that he also forbade him to leave Mexico; that in the event he did leave this country he could not return, but would have to stay away from here.

Interrogated as to what else he had to manifest to this court, he replied that this was all he had to say, and signed with the subscribing judge, the interpreter C. (citizen) Pablo Rodriguez, the American C., J. A. Outcalt, and the attesting witnesses.

We give faith.

VICTO. RODRIGUEZ.

T. MCJOHNSON.

PABLO RODRIGUEZ.

J. A. OUTCALT.

*Assistant United States Attorney.*

A. A. FALCON.

A. F. WALSH.

Senator CURTIS. Were you arrested upon this complaint?

Mr. BENTLEY. That was the complaint under which I was thrown in prison and upon which I was tried.

Senator LA FOLLETTE. How long were you held in prison on that charge?

Mr. BENTLEY. Six days.

Senator LA FOLLETTE. What was the date of your arrest?

Mr. BENTLEY. The 24th of June.

Senator LA FOLLETTE. How soon after this complaint was made?

Mr. BENTLEY. Immediately when I returned; two days later.

Senator LA FOLLETTE. What is the date of it?

Mr. BENTLEY. This complaint is executed on the 22d of June, 1906, and I returned to Muzquiz two days afterwards from the capital of the State of Coahuila, where I had been to see the governor. I knew probably they would arrest me, and immediately after leaving the train I was arrested on this charge and I was held three

days without trial and then my trial began. Here is a complete record of that trial, and I wish to read into the new record the testimony of Mack Johnson as given before the court. I will also ask the committee to observe that the persons who appeared before the court and committed perjury, as shown, by their statements—some four or five witnesses at the time Outcalt had me arrested—are the same Indians and persons that Thackery wanted Outcalt to take before the President of Mexico, to try to have a commission of some kind appointed.

I wish now to read the concluding paragraph of the verdict of this court:

The 30th of June, 1906, constituted the first court of letters of Monclova at this village of Muzquiz. J. A. Outcalt was caused to appear for the purpose of amplifying his declaration, and being first duly sworn, which was duly done through the official interpreter of the district, Mr. Alberto Lobo, he was interrogated in general, and he repeated what he had already declared, adding that he is 49 years of age. Being expressly interrogated as to whether the documents, which are to be found on pages 15 and 16 of this record, exhibited by Mr. M. J. Bentley, have any legal force in the United States of America or transfer any right or obligation, he replied, after examining them and ascertaining their contents, that they have no value whatsoever or any legal force in his country. Being asked if he desires that they proceed against Mr. Bentley or whether he charges any crime, he replied that he had caused these proceedings to be instituted solely to show to the United States Government, in whose name he came, that the said Mr. Bentley is deceiving the Indians who reside in the jurisdiction of this village, for the purpose of causing them to sell him their properties which they own in Oklahoma Territory at a low price, notwithstanding the high value which these properties have in that place, and for this purpose he now asks for a certified copy of the record of these proceedings to send to his Government for such action as they may desire in the premises. After which this step of the proceeding was terminated, and being read to the declarant by his interpreter he affirmed and signed.

I give faith.

At the margin a seal, Juzgado lo de letras del distrito de Monclova, Coahuila.

F. VALDEZ LLANO.

G. A. OUTCALT, *Asst. U. S. Atty.*

ALBERTO LOBO.

CARLOS RIOS.

I now quote from Outcalt's testimony.

Senator LA FOLLETTE. What is the page?

Mr. BENTLEY. Page ——. I read as follows:

The CHAIRMAN. Did you know of Bentley being imprisoned in Muzquiz?

Mr. OUTCALT. Yes, sir; I did.

The CHAIRMAN. When did you first know of his being in prison?

Mr. OUTCALT. I first found out that he was in jail on the morning of the 25th day of June. He had been put in the day before, so I was informed, by the Mexican authorities.

The CHAIRMAN. Do you know what he was put in for?

Mr. OUTCALT. I have no idea what the original arrest was for; I was not in Muzquiz or in Mexico at the time, unless he was arrested later in the evening of the 24th.

The CHAIRMAN. Did you file and charge against him?

Mr. OUTCALT. Yes, sir; I filed some complaints against him, made by those Indians at a subsequent date.

The CHAIRMAN. How long after that?

Mr. OUTCALT. I suppose probably the 26th or possibly the morning of the 27th.

So you see he absolutely denies that.

This is a matter I want to insert as to Outcalt's statement of his visits to the camp. It is on page — of the record. Quoting Mr. Outcalt:

Mr. OUTCELT. I did not go out until after the 25th day of June; I do not know just the date it was after that, but I did not go out until after that time.

The CHAIRMAN. After you went to the camp that time, did you know of any Indians being in prison in Muzquiz—any of those Kickapoos?

Mr. OUTCELT. At any time after that?

The CHAIRMAN. Yes.

Mr. OUTCELT. Yes, sir; there were Indians in jail every day or two every time I was there.

The CHAIRMAN. After you returned from the camp you say you did not go out there until the 20th or 25th?

Mr. OUTCELT. Not until after the 25th of June.

The CHAIRMAN. In the meantime were you at Muzquiz most of the time?

Mr. OUTCELT. I was there at Muzquiz all the time until the 22d of June in the afternoon.

Senator CURTIS. You have not read us anything about his saying he was not out there but twice.

Mr. BENTLEY. The witness has shown by this record that he was not there from May 31 until after June 26, when he positively was there several times. I think the record will show that.

The CHAIRMAN. Now, did you understand at any time after that and before the 25th of June that any of those men were going to the camp?

Mr. OUTCELT. Well, I understood the order issued applied to all white men, but whether they went to the camp or not I do not know. They talked to me about that. From my standpoint I was in an entirely different position from them. I could not afford to violate any orders I received from Mexican authorities, or any of the authorities, and I do not know whether any of them did; they perhaps did.

Now, I wish to cite the committee to a telegram from Mr. Outcelt to Mr. Thackery in which he says on June 7, to Mr. Thackery, that the boys go to camp to-night, and here he has testified that he did not know when they went back or anything about it.

Senator CURTIS. Why do you not put in the whole dispatch?

Mr. BENTLEY. I will do so. It is on page — of the record. I wish in this connection to say to the committee in all frankness, that so far as Outcelt is concerned, all the records before you, and every statement he has made in his report to you, are shown to be absolutely false and I do not believe it is right to impose on this committee by taking up its time to go over a thing that has been proven a hundred times. The testimony in his record in a hundred instances in contradictory of his report.

Senator CURTIS. Just quote this dispatch here, June 7, 1906, to Frank A. Thackery, C. P. Diaz: "Yes. Authorities weakening. Boys go to camp to-night." This is signed by Outcelt.

Mr. BENTLEY. I do not think I care to say anything more on this phase of the subject, and I do not want to take up the financial part of it until I have more time than I have now before this committee.

At this point the committee took a recess until 1.30 o'clock p. m.

AFTER RECESS.

The committee reassembled at 1.30 p. m.

**STATEMENT OF MARTIN J. BENTLEY (Resumed).**

The CHAIRMAN. Mr. Bentley, you may proceed with your statement.

Mr. BENTLEY. Mr. Chairman, I desire at this time to refer to the matter of the Brosius investigation. I omitted to call the attention of the committee to several matters in connection with that investi-

gation, among them the case of the imbecile Indian Paw-kaw-kah, referred to already in the record on page 307.

Senator CURTIS. What record do you refer to?

Mr. BENTLEY. The committee record. This appears in a detailed statement made under the direction of Inspector Beede dated September 29, 1898. I had prepared a statement as to why the Indians had not leased their lands. Paw-kaw-kah's allotment is No. 205. He is generally known as an imbecile. That accounts for his not being on his land, as you will observe.

Referring to the report of S. M. Brosius, I invite the attention of the committee to the proceedings of a proposed council as submitted to the Secretary of the Interior as a basis for investigating the affairs of my agency and to the testimony taken in relation thereto.

Mr. EMBRY. Please give us the page?

Mr. BENTLEY. It is page 295. The proceedings of this council contain some very damaging statements against me which the investigation of the inspector proved to be absolute forgeries. Every Indian whose name was attached testified before the inspector that he was not present and that he never heard of any such council. On the 24th of September, 1898, Inspector Beede called before him all the Indians that could be found in that country who were the alleged signers of the proceedings of the council referred to, and they testified as follows—I am reading from the testimony taken by Beede in relation to the proceedings of that council on page 223, and I especially call the attention of the committee to the testimony of this Indian, because some of the committee will remember his appearing before you at Shawnee. I have reference to the testimony of Noten, who I believe is as intelligent an Indian as there is in the Kickapoo tribe. Noten testified as follows:

No TEN, recalled, testified as follows:

Q. Exhibit P. This paper was supposed to have been signed at Sac and Fox Agency the 14th of July last. Have you read this paper and do you understand it?—A. You read it here.

Q. Is this true, did you sign it?—A. No, sir; I never saw it before, until it was read here.

Q. Was you at the agency on that date?—A. I know nothing about it. We were there a long time ago.

Q. This is in July, the 14th of July.—A. I don't know anything about it.

Q. As far as you are concerned this paper is all a lie?—A. It must be all a lie; I don't know it.

Then follows the testimony of other signers:

O KE MA A SOM, PAH KA SE, PA PAH SE PE A, KE NO SHA MA, PEM ME TON, PE AH TWY TUCK, KAH TO QUO KAH, WAH PE SO, each of these men being duly affirmed, deposes and says:

O KE MAH A SOM testifies:

Q. Do you know anything about this paper?—A. No.

Q. Were you at Sac and Fox Agency July 14th?—A. No; somebody stole my name and put it to that paper.

PE AH TWY TUCK testifies as follows: I was at home sick and I know nothing about that paper.

KAH TO QUO KAH testifies as follows:

Q. What do you know about this paper?—A. I don't know anything about it.

Q. You heard it read here now?—A. Yes; but I don't know anything about it.

Q. Were you at Sac and Fox Agency when this paper was gotten up?—A. No; I was in Kansas.

Q. Did you ever hear anything about this paper before now?—A. No.

PAH KA SE testifies as follows:

Q. You heard this paper read here?—A. Yes.

Q. Did you ever see this paper before you come here?—A. No, sir.

Q. Never signed any such paper?—A. No, sir.

Q. Where were you on the 14th of July?—A. Shawnee.

Q. What is your father's name?—A. Mesh que ken ock (name signed to same paper).

Q. Where was your father on that date?—A. I don't know.

Q. Was he here?—A. I left him at home when I started to Shawnee.

Q. Did you find him there when you went back?—A. He had gone somewhere. He might have gone to the agency for all I know.

PEM ME TON affirmed as follows:

Q. Have you heard this paper read?—A. Yes; I heard it now.

Q. Was you at Sac and Fox Agency on 14th of July?—A. No, sir.

Q. Did you ever hear this paper read before you came here?—A. No.

Q. Did you ever sign it?—A. No, sir.

Q. Don't know anything about it?—A. No.

Q. Where were you on that day?—A. Here; village.

KE NO SHA MA testifies as follows:

Q. Has this paper been read to you?—A. I don't know anything about it at all.

Q. Did you ever sign it?—A. I never touched no paper.

Q. You have heard it read to-day?—A. Yes.

Q. Where were you on the 14th of July?—A. Here all the time.

Q. You were not at the Sac and Fox Agency on that date?—A. No.

PAH PAH SE PE A testifies as follows:

Q. Have you heard this paper read to-day?—A. Yes, sir.

Q. Did you ever sign this paper?—A. Somebody else must have signed my name to it. I never did.

Q. Where were you on the 14th of July, 1898?—A. I was right here at Shawnee town.

Q. You don't know anything about this paper?—A. I never touched the pen to that.

O KE MA A SOM (his x mark).  
PE AH TWY TUCK (his x mark).  
KAH TO QUO KAH (his x mark).  
PAH KA SE (his x mark).  
PEM ME TON (his x mark).  
KE NO SHA MA (his x mark).  
PA PAH SE PA A (his x mark).

Witnesses to signatures:

Mrs. W. W. SCOTT.

DUDLEY H. SHAWNEE.

Subscribed and affirmed to before me this 24th day of September, 1898.

CYRUS BEEDE.  
U. S. Indian Inspector.

Mr. BENTLEY. Relative to my imprisonment in Mexico and the conduct of Mr. Outcalt at that time, I desire to say that the prison in which I was kept was the upstairs of an ancient Spanish building which was being repaired. It was strewn with shavings and lumber and plunder of different kinds, and extended along for perhaps 80 feet. It was a series of narrow, long rooms, and on one side faced the principal street of Muzquiz. The entrance to the court room in which I was tried led through under the part where I slept, so that I could go to the bars of the window and sit in the recess of the

window and hear conversations with persons on the street very plainly.

Senator CURTIS. The entrance was right underneath the room in which you were confined?

Mr. BENTLEY. Yes, sir; and persons standing about the entrance to the court room, of course, I could readily overhear. The first three days that I was in prison Mr. Outcalt, Mr. Grimes, Mr. Clark, and Mr. Brown and some other white men had the Indians in front of the court-house and were urging and imploring them and were making an extreme effort to get them into the court-house. No Indian wanted to come in and give any testimony, but they were induced, one after the other—those that were supposed to be friendly to Grimes—to come in. During those three days the statements which were the basis of my trial were made. At the end of the three days, under the Mexican custom, I was permitted to be present. That was what they called “confrontal.” The witness is called back and he makes his statement, and the accused person is permitted to converse with the witness to see if a reconciliation of the testimony can be had, and, as shown by the copy of the court proceedings taken in the court, in each instance an Indian was brought in and his statement was read to him and I interrogated him in regard to it, and each and every witness denied absolutely his statement; some said they were intimidated into signing. Homer Anderson, a witness who speaks fine English and can read and write English, testified in the case. I want to read a paragraph of his testimony in the record. The paragraph referred to is on page 210 of Appendix B, the third paragraph. It is as follows:

MUZQUIZ, June 28, 1906.

Being present, the detained M. J. Bentley and the Indian, Homer Anderson, being first duly sworn by the interpreter, Pablo Rodriguez, for the purpose of causing the confronting of them because of the conflict in their statements, consisting in the first named asserting that the Indian Anderson had signed the list or paper for him voluntarily, and that he has had no other business with him except to lend him money, while Anderson asserts that he was taken to the presence of Bentley by force to sign, and that if he refused to sign he would send him to Muzquiz to jail, and that he made him sign that paper without knowing its contents; and being fully apprised of all, they were made known of the conflict of statements, and the Indian stated that the paper which Bentley presented to him he signed voluntarily; that he did refuse at the beginning because he did not know its contents, but that as soon as said Bentley explained it to him he signed without any intimidation or threat whatsoever being made. Being asked by Bentley why he had given the first statement above, he could give no satisfactory reason, bringing to a close this diligence, which was read by the interpreter, and they who had confronted signed.

We give faith.

VICTO RODRIGUEZ, F.  
M. J. BENTLEY.  
HOMER ANDERSON.  
PABLO RODRIGUEZ,  
A. A. FALCON.  
A. F. WALSH.

Now, it should be observed that Mr. Outcalt has testified that I was not acquitted; that I was convicted. I call the attention of the committee to the last paragraph of page 206 of Appendix B, as follows:

MUZQUIZ, June 29, 1906.

Having reviewed [seen] this accusation made against M. J. Bentley by the Kickapoo Indians, McJohnson, Homer Anderson, Ah-tem-y-tuck, Cha-ku-set,

and others represented by Mr. J. A. Outcalt, as representative of the United States of America; that the inquisition of the accused was had and he was made known of the charge against him [the cause of his detention], and considering that the delicto [crime or wrong] which is charged to him has not been proved according to the proofs and declarations which exist in this house; that in his conception the imprisonment of the accused should not be ordered in the judgment of the undersigned judge, and for the same reason the absolute liberty of the accused should be decreed, subject to what the superior may decree, to whom this proceeding will be accounted. For what has been stated it is resolved:

First. M. J. Bentley is declared at liberty, subject to what the superior may decree.

Second. Notify and remit this cause to the court of letters in term for its action.

The second local judge, Bernardo Blanco, so ordered it and signed.

BERNARDO BLANCO.  
A. A. FALCON.  
A. F. WALS.

The committee will observe from the testimony in this record the alleged compelling of the Indians to sign and the intimidation of Indians. When an educated Indian, who spoke good English, was called into my presence and interrogated he denied absolutely that any force or abuse of any kind was used, and here is his sworn statement.

Taking up the matter, further, of my detention in prison during the six days I was in there, as I have stated, Mr. Outcalt and Mr. Grimes and Mr. Brown were there, and at no time did I observe Mr. Outcalt when he was not in the presence of some one of those persons who were known as "the Grimes crowd." They and Outcalt were working hand in hand, and they and Outcalt were present the first three days that those charges were being made and this docket being fixed up, but my son or my wife or Mr. Field or my clerk, or any person known to be friendly to me—any citizens of the town who might have felt a kindly interest in me or who might have felt that I was persecuted—no persons but the Grimes crowd and Mr. Outcalt were permitted in that court room; neither at the time of my trial was anyone permitted in the court room but members of the Grimes crowd, except, I believe, my son was permitted to bring an express package to me, containing some money, while I was in court.

Now, with regard to the drinking and debauchery of those Indians, I will say that while I was in prison the most awful drunken orgies that anybody ever saw, I believe, took place. I saw Mr. Grimes and Mr. Outcalt and the women in and out of the saloon; I saw Indian men and women hugging each other on the street in a beastly state of intoxication, and the case that was testified to and which appears in the record, where a drunken woman was loaded into a hack by Grimes and where Grimes and others carried and put a large quantity of some kind of drink in the carriage, is true. That was the last thing I saw in Muzquiz. I was in the plaza opposite there and saw my wife and Mr. Ikenberry and Mrs. Ikenberry and some drummer from Chicago. Mr. Outcalt was standing on one side of the street there, and I saw this drunken woman, as dead as could be with drink—perfectly limp—carried out of the saloon. She apparently came down and was carried out of the room from the hotel part of the building, and I saw her laid in the carriage;



there was also a drunken woman on the other side, and then Grimes and some other man came out of the saloon, loaded with what appeared to be mescal, and they laid that in the hack and Grimes and Chapman and several others piled into the hack and went away hallooing and singing, and went out of town, I presume, to the camp. From that time, which was the night of the 29th of June, until about the 29th day of July, I did not see anything more of Mr. Outcalt. I escaped and made the border and got across the river and stayed there at Eagle Pass. Of course, in the meantime Indians were held there under armed guard and no Indian was permitted to come out unless he was brought out by some of the Grimes party.

At the time referred to, when Mr. Outcalt came to Sabinas and arrested and returned that large party of Indians, Mr. Erney, I think, had wired or written me that the Indians were going to make an effort to escape over there; they had not come out, as he had advised them, probably, and Mr. Field went to Sabinas on the night train of the day they were detained there, and the next morning he wired me back to Eagle Pass, saying that the Indians were arrested—"Outcalt was here last night." The telegram was dated July 7, 1906.

Senator CURTIS. Is there any other statement that you desire to make before we ask questions of you?

Mr. BENTLEY. I do not think so, with relation to what occurred at Muzquiz.

Senator CURTIS. I would like to know how long you were agent for these Indians—I mean those for whom you acted as Indian agent.

Mr. BENTLEY. I began April 22, 1896, and my office was abolished September 30, 1901.

Senator CURTIS. You mean by abolished that the office of agent was abolished or discontinued and a bonded superintendent put in charge?

Mr. BENTLEY. Yes, sir; I received a letter from the Commissioner of Indian Affairs in which he stated that in pursuance of a set policy on the part of the Government it was decided to put the Indians under a bonded school superintendent, and my office had been abolished.

Senator CURTIS. What was the date of that?

Mr. BENTLEY. The date of that letter was about September, 1901.

Senator CURTIS. And you turned over the office when?

Mr. BENTLEY. The 1st day of October. I began turning it over the 30th, or the last day of September, I think it was, 1901.

Senator CURTIS. You were afterwards appointed special agent, were you not?

Mr. BENTLEY. Not by the Department; no, sir.

Senator CURTIS. You have been referred to as "special agent." Whom were you appointed a special agent by?

Mr. BENTLEY. Well, President Cleveland had me appointed special agent of the United States for the purpose of locating the Mexican Kickapoo Indians, or those known as the Kicking Kickapoos at the time, to place them upon their allotments, and my title always should have been special agent of the United States.

Senator CURTIS. That is, you were appointed special agent by the President, under his authority and power, and not by the Secretary of the Interior or the Commissioner of Indian Affairs.

Mr. BENTLEY. No, sir; there was a difference. President Cleveland directed the Secretary of the Interior to make the appointment.

Senator CURTIS. That is of special agent?

Mr. BENTLEY. Yes, sir; it seems there was a law under which I could be appointed as special agent, or the appointment of the special agent of the United States could be made.

Senator CURTIS. How long did you act in that capacity?

Mr. BENTLEY. As I have stated, from April, 1896, to September 30, 1901.

Senator CURTIS. Then you were not a real Indian agent?

Mr. BENTLEY. No, sir; I never was an Indian agent in the full sense of the term, though I was detailed by the Commissioner of Indian Affairs and the Secretary of the Interior to perform the same duties, and had the same jurisdiction over the Indians that most Indian agents ordinarily have; that is, I finally had that. At first I had not much jurisdiction.

Senator LA FOLLETTE. That was under special appointment?

Mr. BENTLEY. Yes, sir. At first I was put down at Shawnee to assist a regular special agent, and the regular special agent had charge of the accounts, and I really had no authority at all.

Senator CURTIS. Then, as I understand it, you never had any specific office, yours being a special appointment?

Mr. BENTLEY. I never had any appointment under the United States Government as a regular Indian agent.

Senator CURTIS. You have stated that the surplus lands of the Kicking Kickapoo Indians were sold without their consent. Why do you make that statement when the records show that a majority of them did consent?

Mr. BENTLEY. I made that statement for the reason that the Kicking Kickapoos, and in fact all the Kickapoos, so far as I know, have always denied that they ever made any treaty or that they ever did any act or thing that would lead to an allotment.

Senator CURTIS. Then your statement is based on what they have told you since, not that you were present when the agreement was made by the commission with the Kicking Kickapoos.

Mr. BENTLEY. No, sir; I was not present, and I base my reason upon the statements made by the persons who were present and from the statements of the Indians themselves and upon the record made at that time, showing that under that treaty, which contains the names of numerous persons who never did exist, it can not be reconciled with any tribal enrollment of those Indians.

Senator CURTIS. Was that not made by one of the commissions sent out by Mr. Cleveland to secure an agreement?

Mr. BENTLEY. No; by President Harrison. The Indians were taken advantage of.

Senator CURTIS. I say was it not claimed by this commission that those Indians did agree?

Mr. BENTLEY. A commission known as the Gerome Commission came there, and came to get an authority from those Indians, and claimed that they signed, but, as I have stated, that contained the names of people who had been dead long before that date. I have investigated that document. It contains the names of persons who can not be recognized by any enrollment of the tribe.

The CHAIRMAN. You mean they did not exist?

Mr. BENTLEY. Persons who did not exist. It contained the names of Kansas Kickapoos who never had any right in Oklahoma, and, so far as I have been able to learn from very diligent inquiry, it is my candid belief that no such treaty was ever knowingly made.

Senator CURTIS. You stated at the time you took charge that there were about 200 of those Kicking Kickapoo Indians?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. How many are there now?

Mr. BENTLEY. I suppose that there are about the same, about 200. Since they have been in Mexico they have increased a great deal, and it is necessary to enroll them and those children. Of the old originals I want to say to the committee that the delegation that appeared before President Cleveland at the time I was appointed special agent are all dead. I want to say further that there is something really pathetic in this case. Take all the old chiefs and old councilmen, the stanch men of the Kickapoo tribe, who came here with me in 1896 and 1898. They are all dead but John Mine; not another one is living. Johnny Mine I regard as the most honest of Indian men, notwithstanding he drinks.

Senator CURTIS. Now, in your statement you have referred to these Indians having been taken to jail prior to your appointment as agent. I wish you would explain to the committee what you mean by that.

Mr. BENTLEY. That was perhaps two years before my connection with them.

Senator CURTIS. That would be about 1894?

Mr. BENTLEY. Yes, sir; 1894. Well, it was the custom in those days for the marshals to come and gather up Indians by the wagonload.

Senator CURTIS. Is it not a fact that it was done regardless of whether or not a crime had been committed, and was done by those deputy United States marshals to collect fees?

Mr. BENTLEY. It was just a fee-grabbing affair. There were times when Mr. Field and I found a large number of Indians in the Guthrie jail with different names on the record, when there was not a single Indian in prison whose name they had. It was the custom to simply gather them up by the wagonload, and I think the records of the Department of Justice will probably show that I came here to Washington at my own expense and insisted to the Attorney-General that it was costing the United States more to persecute its wards than it was costing to support them, and my statement seemed so ridiculous that I think an investigation followed, and there was a regular uprising in the marshal's office.

Senator CURTIS. You have stated that these parties came to the Indians to take their children from them?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. For what purpose?

Mr. BENTLEY. They wanted to take them and put them in school. The Indian agent could not do anything with them, and while they were in that disturbed condition living on school land the Indian was so prejudiced against allotment that he would go 10 miles around rather than go across the place where they had been allotted, and in the midst of that here came the marshals, and when the Indians refused to surrender their children, then they arrested them for re-

sisting United States officers and brought them into Shawnee by the wagonload.

Senator CURTIS. In your statement you spoke of Larrabee, the Assistant Commissioner of Indian Affairs, never having been reconciled.

Mr. BENTLEY. Yes, sir.

Senator CURTIS. Had you had any unfair treatment at his hands?

Mr. BENTLEY. I have been ordered out of the Indian Office by him when I went there on legitimate business. I do not know whether that would be considered unfair treatment or not.

Senator CURTIS. Since he has been Assistant Commissioner?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. Has he refused to listen to you when you would go there with a complaint?

Mr. BENTLEY. I came along the corridor on one occasion and he came out of his office and said to me: "You have no business here; you know you are not wanted here." He said I had no business to be walking around there; that I ought to have gone direct to the Commissioner and I felt that his attitude was such that I did not want to present anything to him.

Senator CURTIS. You have a little feeling against the Indian Office, Mr. Thackery, and others, have you not?

Mr. BENTLEY. I have had this feeling since I saw a lot of poor helpless Indians oppressed and refused assistance or proper consideration. I felt that the Indians had been treated unjustly.

Senator CURTIS. You have felt, have you not, Mr. Bentley, and acted upon that presumption, that the Indian Office and Mr. Thackery were really against you, and against your plan of action with the Kickapoo Indians—that is, that your conduct with regard to the Kickapoo Indians was not meeting with the approval of the agent, Mr. Thackery, and with the officers of the Department here?

Mr. BENTLEY. I have felt that the Indian Office was unjust both to myself and the Indians, and their prejudice against me was such that they would at any and all times sacrifice the best interest of the Indians to defeat me in something, and I have had, for that reason, considerable feeling against them. I would like to say in that connection with the last trouble I had with them, by records I can produce to this committee, Mr. Thackery sought, and made a great effort to hold, for an Indian boy \$480 worth of land as against his superior right in the Creek Nation of \$8,000 worth of land, a piece of land that I to-day will give \$12,000 for—160 acres of land. I want to say that I will show by this record that Mr. Thackery willfully falsified to the Secretary of the Interior and Commissioner of Indian Affairs and tried to hold the inferior right for that boy; that it was in a ratio of \$100. to \$2,000, because he said in his statement that the intimation was that I was going to make a dollar or two out of it, and in view of such conditions I admit that I do not feel very friendly to those people.

Senator CURTIS. As I understand it, the Department has had a great deal of trouble with those Kicking Kickapoo Indians for a great many years?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. You have said that at one time those Indians were very prosperous. I wish you would give that date.

Mr. BENTLEY. Yes, sir. That was the date I quit the service.

Senator CURTIS. What year was that?

Mr. BENTLEY. That was in the year 1901. I wish in that connection, if the committee will pardon me, to cite you to a schedule that shows some prosperity—a verified schedule. On page 311 of the general record I find this statement and this schedule.

The CHAIRMAN. Is it your own statement?

Mr. BENTLEY. It is a statement verified by Inspector Beede, as follows:

I further submit that the Kicking Kickapoo Indians, who prior to my appointment never earned a penny by their labor for white people and who derived no revenue or benefit from their allotments, now earn and derive as follows:

Hay made and sold by Kicker allottees per annum.....	\$800. 00
Acreage of hay sold by Kicker allottees who are physically and otherwise unable to harvest their hay crop.....	211. 50
Revenue from Kicker leases.....	1, 300. 00
Revenue derived from taking stock to graze.....	185. 00
Stove wood cut and sold by Indians.....	500. 00
Corn raised and sold.....	60. 00
Cotton crop made by Kicking Kickapoos this season.....	67. 50
Revenue from picking cotton.....	3, 000. 00
Total .....	6, 124. 00

Number of Kickers who have become identified with and claim their land, 126.

In addition to the above the Kicking Kickapoos now have standing in field more than 100 acres of corn that will average more than 30 bushels to the acre. In addition to this 3,000 bushels of corn, they have cut and stacked an abundance of forage for their mules and ponies, and some families have as much as 20 bushels of dried sweet corn and a great quantity of dried pumpkin and dried green beans, sweet potatoes, and other vegetables. As my report shows they have made a great stride toward self-support and usefulness, and I believe if kept in charge of persons who can exercise that degree of patience and prudence that the effort of these people merits them they will soon become a self-supporting and useful people.

Most respectfully submitted.

MARTIN J. BENTLEY,  
*Special Assistant U. S. Indian Agent.*

Mr. Beede very carefully took testimony to affirm or deny that report and he found that it was true.

Senator CURTIS. Why did they retard after that?

Mr. BENTLEY. A different policy was adopted. My plan or my line of operation was that no good could come to an Indian except through labor. I induced him to go on his own land and on the land of his family and in some way to get something out of it himself.

Senator CURTIS. Who succeeded you in your office?

Mr. BENTLEY. Frank A. Thackery.

Senator CURTIS. That was not until 1901?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. Now, do you not know that it has been the policy of the Department since 1901 to have the Indians work as much of their land as possible?

Mr. BENTLEY. I know that has been the policy, but it has not been done at that agency.

Senator CURTIS. What do you know about these Indians, contrary to the policy of the Department at Washington, being encouraged to leave their land?

Mr. BENTLEY. You heard the statement of Jim Deer before this committee, and perhaps he did not make it as clear as it should have been made for lack of language. Jim Deer is a smart Indian. Mr. Cade, the cashier of the bank, certifies in this record that this Indian was intelligent enough when he had a large quantity of hay to mortgage it and turn it over for security and hold it for a better price. Jim Deer made his living partly from the allotment of his minor child. The child was an idiot, and Mr. Thackery had a guardian appointed and leased the land away from Jim, and Mr. Thackery permitted Indians to lease land who should not have been permitted to lease it, and they would be encouraged to lease it, and to-day scarcely any of them live on their own allotment. A different policy has been pursued.

Senator CURTIS. You mean a different policy at this agency. There has not been a different policy pursued by the Department.

Mr. BENTLEY. No, sir; there has been a different policy pursued at that agency.

Senator CURTIS. Has it not been the policy as you understand it, of the Indian Office, since 1901, to induce those Indians to work their own allotments and to discourage them from renting them?

Mr. BENTLEY. Yes, sir; that has always been the policy, and I have been in a position to know. It was only the old and infirm and minors, and those who could not, with profit to themselves, occupy their allotments who were permitted to lease either under the law or the regulations.

The CHAIRMAN. That was under your administration?

Mr. BENTLEY. Under any.

Senator CURTIS. That was the policy under any?

Mr. BENTLEY. Yes, sir.

Senator LA FOLLETTE. Was that the policy pursued by Agent Thackery?

Mr. BENTLEY. No, sir; I wish to say to this committee frankly that there was no traders' store, and no reason ever existed why the Indians should lease their land so that their money could come into my hands at my agency.

Senator CURTIS. When did they adopt the policy at that agency of appointing guardians for minors, and why, if you know?

Mr. BENTLEY. Immediately after I left the service, that was in 1901, it began.

Senator CURTIS. Did you, or some friend of the Indians, notify the Department of what was going on there?

Mr. BENTLEY. There was no use to do it.

Senator CURTIS. Well, Commissioner Jones was your friend, was he not?

Mr. BENTLEY. Yes, sir. During the last days of my administration he wrote me a very friendly letter, congratulating me upon my success with the Kickapoo Indians, and stated that while I would not be officially connected with him any more he hoped I would continue to advise them in their interests.

Senator CURTIS. Could not Mr. Field or you take time to come here and have access to the office of W. A. Jones?

Mr. BENTLEY. There has been such a prejudice in the Indian Office against Mr. Field and myself that we could not get any justice unless we came here and went direct with each and every case to Commissioner Jones in person, and we did not feel that that was right.

Senator CURTIS. Do you claim to this committee that if you had gone to Mr. Jones and told him that they were pursuing a policy at this agency different from the policy of his department, or that was being carried out at other agencies, that he would not have ordered a general investigation?

Mr. BENTLEY. I want to say that while the Indian Office has repeatedly sent inspectors to make reports, that instead of reporting the facts most of them reported the reverse of the facts and the testimony of these investigating officers was such that Mr. Jones had to turn us down, though their statements were not true.

Senator CURTIS. Now, it is charged that instead of you trying to aid and assist those Indians in staying on their places you began immediately after you were succeeded by Mr. Thackery to induce those Indians to go to Mexico. What have you to say about that charge?

Mr. BENTLEY. I say frankly that at no time and in no way have I ever induced any Kickapoo or other Indian to go to Mexico. The first ones that came urged and begged me to take them. You heard my wife's testimony on the stand with relation to Pakotah, who was the first Indian to leave after I went out of the service, and I want to read this committee a letter addressed by me to Senator Quay in relation to his going, and I submit to you whether you would not have helped him. The letter will be found on page — of the Appendix.

I read that letter to show the committee the conditions that prevailed when they first started. That was the first Indian that left the United States after my office was abolished.

Senator CURTIS. I wish you would state to the committee what advice you gave to the Indians when they talked to you about going to Mexico, and if you encouraged them in any way; and if so, what encouragement you gave them.

Mr. BENTLEY. Well, I want to make a very full statement about that so that I will be properly understood. You mean after I became agent?

Senator CURTIS. At any time. You have been charged with having worked on this from the start, and the committee wants to know just what part you took in it.

Mr. BENTLEY. The real facts are that I never intended originally to move those Indians to Mexico at all, or that they should move. I believed this, that if they went on their lands near Shawnee that they should learn to farm and make a good living there, and they would do just as they did in two years after I went there, when they were raising cotton, corn, and wheat down there, and were making a living. One of them, old man Parthe, went over to visit his old mother in Mexico. He had no idea of ever going to Mexico to live. I had always encouraged the Indians in this way: Go on your land and be somebody, be a man and make some money, and after awhile if conditions become intolerable you will not be compelled to stay here.

But if I had said to the Kickapoo "you must stay here forever," he would have been discouraged and would have had no disposition to go on his land and labor for the betterment of his condition. I say now, frankly and honestly, that I never at any time encouraged a Kickapoo to leave the United States except where I encouraged him to believe that if he was prosperous and industrious and amounted to something he could go where he pleased.

Senator CURTIS. You did, after the restrictions were removed on those seven Indians, encourage them to go down there, did you not?

Mr. BENTLEY. They were already there and had been for several years. Okemah was the first one who went and he went with the consent of the Indian Office and under the representation that he had an estate over there which he has now. His allotment was adjoining the city of Shawnee, and he did not want to live there; he wanted to go away. His children had died there as fast as they were born.

The CHAIRMAN. That consent is in the record, is it?

Mr. BENTLEY. Yes, sir; the correspondence is in the record. I did not move any Indians, or offer to aid them, until, I think, two years after my office had expired, when the Indians became discouraged and appealed to me to help them, and I could not resist helping them, and I tried to help them out. I felt that they were in bondage. I have never denied any of these facts. I have always come before the committee and stated my belief that they ought to be permitted to stay over there, inasmuch as they had gone.

Senator CURTIS. You stated this morning that Inspector Nessler had reported against Okemah's plan of renting his pasture land?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. Did you talk to him about it?

Mr. BENTLEY. Mr. Nessler contended with me and said that the fact of these white people grazing their cattle on the Indian land was an indirect effort to defeat the rule of the Department which provided that white people should not occupy Indian land without first having procured a legal lease.

Senator CURTIS. Did he cite you the rule?

Mr. BENTLEY. He knew that I well knew the rule.

The CHAIRMAN. He meant the rule of the Department that Indians could not lease their land without the approval of the Secretary.

Mr. BENTLEY. Yes; this was not a lease. These Indians were by this act occupying their allotments and earning their living therefrom, and doing that thing that the Government had always sought to get the Indians to do, to go on their land and make a living therefrom. These Indian boys were as regular as a clock. They erected a large corral at the entrance of the pasture. The white people turned their cows in in the morning and in the evening the Indian boys gathered the cows and returned them to the corral.

Senator CURTIS. The white men came and took their own cows away.

Mr. BENTLEY. Yes, sir. Mr. Nessler objected to everything; I have his report. He did worse than that. I want to say with reference to that report that at that time the Indian Office hampered me in everything; I had no authority. If I wanted to buy anything I had to submit a list to the Indian Office, and the Sac and Fox



agent, who was a deadly enemy of mine, was authorized to make the purchases for me, and, of course, I never got anything that I wanted or as I wanted it. At that time I had estimated for 12 head of milk cows, 12 mules, 6 cook stoves, and some breaking plows. As to the cows, I never thought to specify that the cow should have a calf with her. I thought if it was a milk cow that implied that she would have a calf with her, but to the contrary, they brought 12 long-horn Texas cows, with young calves, that were giving milk; they were separated and the calves were left 12 miles away near the Creek line, and it required the efforts of several skillful cowboys to herd them down to Shawnee for delivery. We put them up in the railroad stock pens and in the morning they were all gone but one. There was no pen in that country to hold them away from their calves. Mr. Nessler said I complained that I had not received proper treatment. He heard these cows were gone, and they are gone yet.

Senator CURTIS. In your statement this morning you said that Mr. Brosius had made a report against you?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. What would induce him to make a false report; did you and he have any trouble?

Mr. BENTLEY. I think if the committee will permit me that I can show a motive. Mr. Lee Patrick was at that time agent of the Sac and Fox and had his store there, and there was a very spirited controversy between himself and me about the Kickapoo lease money. He insisted that the lease money be paid through his agency, which would mean that it would pass through his store, and if it did of course he would get half of it, because they charged twice as much as anybody else, as I can show by competent testimony in this record. Mr. Patrick, to get rid of this opposition, no doubt fixed up a *purported* council proceeding, because the proceedings are in his handwriting. I have here the original in his handwriting which I understand will be inserted in the record, and here follows the list of names attached to it in Mr. Patrick's handwriting.

In conclusion, we ask that you inform us who is our agent and what disposition is being made of our funds.

Very respectfully,

Ah-que-noc-o-se, *Chief*; Noten, *Assistant Chief*; Mesh-pue-ken'-ock, Ko-ke-sah, O-ke-ma-a-som, Ah-kah-te-she-mah, Mah-che-ne-ne, A-che-ma-que, Qua-ne-po-set, Ah-ne-she-ne-ne, Pe-o-mos-ke, Pah-ka-se, Ah-che-ko, Pa-pah-se-pe-a, Ke-no-sha-ma, Pem-me-ton, Me-che-kah, Pe-ah-twy-tuck, Kah-kah-tos, Chak-ko-sot, Mah-we-nah, Kah-to-quo-kah, Wah-pe-so, Wa-pish-ke, Toc-com-me, Pem-e-pah-hoh-nah, Mah-ke-pah-ke-se, Mah-wah-pah-mah, Pem-me-sah, Pene-she, A-tah-nwah-tuck, Kay-pay-o-mah, Wah-pe-pe-nah, Ka-kah-ne-che-kah.

Witnesses:

HUGH PITZER.

PAYSON S. WHATLEY.

Here are Mr. Patrick's clerks names as witnesses to these forged signatures, also that of William Herr, who testified before Mr. Beede later that they were not present at the council, that the papers were brought up there, and they thought they were all right and signed them. There is not the name of a single person to that *purported* council proceeding who ever signed or ever saw or ever heard

of that instrument until Mr. Beede called their attention to it a month later. The old chief of the Kickapoo Indians, Ocquenahkothé, when Mr. Beede read that instrument to him, asked to be sworn, and he called the Great Spirit to witness that he had never heard of any such council, and stated that he was 150 miles away on the day that the council was said to have been held.

Senator CURTIS. Then it is your judgment that Mr. Brosius was imposed upon by the trader there, Mr. Patrick?

Mr. BENTLEY. I think Mr. Brosius, if he was imposed upon, was very willingly imposed upon. That council is the beginning of his report, or his complaint in the matter, and this is the first citation in the Brosius complaint or charges. Then Mr. Brosius got the Kickapoos, or a few of them, together at McLeod, Okla., and had a council of his own, and the Indians all testified that he did not explain the contents of the paper that they signed, and I think they are correct.

Senator CURTIS. Now, what advice did you give to the Kickapoo Indians about sending their children to school?

Mr. BENTLEY. The first real advice I gave was pretty forcible advice. I found this condition, that unless I put some of them in school I would have to quit the service, and I took 25 of them and sent them to Carlisle School, and I regret that more than any other act in my connection with the Kickapoos. It was their utter ruin. Those boys, when they came home, were drunkards and gamblers; 3 of the 11 who returned from school were murdered by the others in less than two years, and the girls had lost all idea of morality, with one lone exception. George Kishketon, who aided the Grimes crowd to rob his relations, is one of those school boys referred to, and not one of them on the face of the earth is worth the powder to kill him, with one exception. You might take the average Kickapoo boy and put him among white people, where he would never hear his language or see another Kickapoo, and he would invariably make a useful man. I can bring a Kickapoo Indian who was never in school who can sit at this table and draw the picture of the room and of all of you so you in the room would be readily recognized. So I say it was against my judgment, which proved to be correct, to put these 25 boys and girls in school.

The CHAIRMAN. You mean out there?

Mr. BENTLEY. I mean those I put in the Carlisle Indian School, and not the local school. I say that if that school at Shawnee was abolished and the money that supports it thrown into the sea it would be a blessing to every Indian in Pottawatomie County, because then the Indian children who are gathered there where the language is perpetuated would go to the country schools in the white community where their parents live, and would acquire the language and habits of the white people. But, on the contrary, here come the Indian police and Indian agents and gather them up and take them to the agency school.

Senator CURTIS. Why should taking these children, to whom you have referred, to this school have a bad effect on them when it has had a beneficial effect on others who had been sent to the school?

Mr. BENTLEY. You must bear in mind that most of those who go to the Carlisle Indian School are Indians practically only in name,

and as to these half-breeds it would not make so much difference where they were sent.

Senator CURTIS. I can bring you full-blood Indians with their ears pinched and their noses cut and all the evidence that they are full-blood Indians, who were educated at Haskell and Carlisle and the reservation school, and who are good bakers, carpenters, and plasterers.

Mr. BENTLEY. That may be true; very probably some Indian whose language did not predominate at the school he attended may be benefited, while a Kickapoo under like conditions would not be. These different Indians are as different from each other as Chinese and Japanese, or as English and Italian. This is true of the Cheyennes and the Kickapoos and the Comanches. The rule that would benefit one would be utter ruin to the other.

Senator CURTIS. After your term as agent had expired, and when Thackery was trying to get these Indians to attend school, what advice did you give them when they came to you?

Mr. BENTLEY. I think there are some Indians now in Mr. Thackery's school, but I am not sure. I think I encouraged them to go; I never discouraged any.

Senator CURTIS. Did you ever advise an Indian that unless he went to Mexico his children would be sent to school?

Mr. BENTLEY. Never; that was never a consideration. It is true that the old Kickapoo mother and father are desperately against the school proposition, and it is seen in this record that it is the school boys who have come back and robbed them, and the girls came back bad women, and it is not strange that they should be opposed to it. To illustrate that, I went one day to get a couple of Indian boys to put them in school and the father of one of them, an old Indian, said, "Take that ax and knock him in the head and I will gladly bury him; I would rather you would do that than take him to school because he will come back here and kill the rest of us." I did not take the boy, and I am glad of it.

Senator CURTIS. What had you been doing there to make the Department charge you with having thwarted its efforts and the efforts of the agent when they sent Mr. Beede down there to investigate matters?

Mr. BENTLEY. I had been doing that which the United States has always tried to do; I was doing that thing that I was appointed to do, to get these Indians to work and to be sober and decent citizens, and Mr. Brosius must have known it; he saw the houses and homes and orchards—there were some nice orchards down there that those Indians had planted.

Senator CURTIS. Did this change in their condition come about at once after you left there?

Mr. BENTLEY. It came about gradually. The Indians saw that they had no protection over at the agency. If they were over there at noon they were locked out and allowed to run around like a lot of dogs in the cold. There is only one way to get along with a Kickapoo Indian. If a man is so far above him that he can not associate with him, and will not allow him to come into his office, he is not a proper agent. It may not be Mr. Thackery's fault. The agency there is a very nice agency and much in contrast to the agency I had. I want to say that I rented a large wagon yard out there with

a camp house and if an Indian came with produce to sell he could sell it or stay there all night if he chose. They brought in corn and other provisions, and they slept and cooked there when they were in town and did not abuse the privilege.

Senator CURTIS. In other words, you got as near to the Indian as you could?

Mr. BENTLEY. Yes, sir; I did. In fact, I have been harshly criticised for my methods. If I asked the Kickapoo Indians to come into the agency and sign papers, and he was wild and difficult to control, I went out and reasoned with him and convinced him that I was trying to help him.

Senator CURTIS. Why had the Indians refused to occupy their allotments before you were appointed assistant special agent?

Mr. BENTLEY. They did not want allotment. They believed the allotment would be their undoing in the end; if their land was held individually it would be taken away from them and they would be poverty stricken, and that would be the end of them. I want to say in this connection that I will offer a letter in the record showing their disposition toward allotment, and where the Indian agent at the time this alleged treaty is supposed to have been made, certified to the Indian Office that there had been a drouth in that country; that the Indians were all in a starving condition, and he asked authority to buy seven months' rations, and the authority was given and the rations purchased and brought there at the time this supposed treaty was made, or just before it, in the same year, and no Kickapoo ever accepted an ounce of those provisions, because he was required to sign for them, and they would not give their names for fear of being allotted, and the rations had to be sold.

Senator CURTIS. Is that the year that Congress appropriated \$5,000 the first time?

Mr. BENTLEY. No, sir; Congress had been doing that a great many years. It had been a custom for thirty years back.

Senator CURTIS. Oh, no. Congress stopped appropriating for a time, and then, at the suggestion of Senator Quay, it made a special appropriation of \$5,000 for the Kicking Kickapoos.

Mr. BENTLEY. Yes, sir. There had been an appropriation annually before that of \$5,000 for all the Kickapoos, and then, through the efforts of Senator Quay, and perhaps your own efforts, Congress appropriated for the Kickers, who had left their allotments and had refused to go back to their allotments, an additional sum of \$5,000. I want to say that the agent says that the Indians, for fear of being put in jeopardy of being allotted, refused to touch the pen to receive any part of those rations, and he could not give it to them unless they signed for it, and therefore he had to sell it.

Senator CURTIS. What year was that?

Mr. BENTLEY. The year the alleged treaty was supposed to have been made; that was in 1891. I will offer that report in the record.

The CHAIRMAN. I wish you would do so.

The report is as follows:

#### MEXICAN KICKAPOOS.

This is a restless, suspicious, and stubborn tribe of Indians. They will sacrifice all comforts and benefits allowed them by the Government rather than deviate from their own nonprogressive notions, for fear of putting themselves

in jeopardy of being civilized. They, like Big Jim's band of Upper Shawnees, refuse to patronize schools or allow themselves to be enrolled or enumerated.

The past year, owing to the failure of crops from drought, they were almost in a condition of famine, several of them actually starving to death. On representation of the facts, I obtained authority to purchase for them seven months' rations out of the funds appropriated for the support of Kickapoos. After the provisions were purchased they actually refused to enroll for the purpose of drawing the same, notwithstanding their starving condition, and the rations had to be sold. The cause of this was their fear that the enrollment might in some way serve to force an arbitrary allotment upon them.

It is extremely difficult to get them to accept any innovation into their customs and usages of living. Especially has it proven a tedious process in the case of allotments. The Cherokee Commission met this tribe in council twice in 1890 and once during the present year, at all of which councils the common result was reached, the Indians absolutely refusing to treat for the sale of the residue as surplus lands.

At the last meeting with them the argument was presented that they were situated on their present location merely by Executive order, a clemency that might at any time be revoked and the same power used to remove them to other lands; that they should take advantage of the present opportunity to secure permanent homes and a good competence arising from the sale of the surplus. To this they replied that the reservation was no larger than sufficient for their needs; that to become definitely located would be to destroy their visiting, feasts, and dances; that if they did not own the reservation it would not be right to dispose of that which did not belong to them, and if it was theirs they did not wish to sell. The Commission could do nothing further with them, and here the negotiations for the present were ended.

In my opinion these Indians will ultimately accept the proposition of the Commissioners. They are by nature so suspicious that they are slow to comprehend meaning and grasp situation. But that the opening to settlement of the adjoining reservations already treated for and the influx of white settlers will illustrate the error of their present ways and show them that their old tribal relations and savage instincts are no longer best or tenable I feel confident.

Mr. BENTLEY. I want to say that it is true that until I made it the United States never had a correct enrollment of the Kickapoo Indians. When they were allotted 30 were left out, and a lot of them to-day have no land. The Government had no data to work on; the Indians would not sign their names, and they would not talk.

Senator CURTIS. In other words, they were properly named—Kickers?

Mr. BENTLEY. Yes, sir; they were properly named. They kicked at everything that meant civilization.

Senator CURTIS. Did I understand you correctly in your statement this morning that both Thackery and Outcalt were here at the hearings of the committee or that they had the report of the hearings before them?

Mr. BENTLEY. Mr. Thackery and the Commissioner were here at the hearing; then, later, when Mr. Thackery and Mr. Outcalt went to Mexico the Indian Office had supplied them with copies of the hearings before the committee. Those I saw in Mr. Outcalt's hand, and I saw him and Mr. Thackery conferring with relation to what occurred here. Both of them well knew that they were trying to controvert the judgment of the Senate committee on Indian Affairs.

Senator CURTIS. Did you have any talk with Mr. Thackery at the Indian camp at Muzquiz or near Muzquiz?

Mr. BENTLEY. I will explain that. I know that Mr. Outcalt and Mr. Thackery were there, or afterwards rather. Okemah had a boy about to die, and I took a horse and went hurriedly to Muzquiz and

there I employed Doctor Long and brought him out to the camp, and this fuss over these white men getting away had just come up as we arrived. Doctor Long prescribed for this boy—he gave him something to relieve him—and I asked him if he would not go up there and explain to the white men that the Indians themselves had been to the authorities and complained, and that the authorities had said that no one would be permitted on their land unless they wanted him there. It was not my complaint.

Senator CURTIS. Did you order those white men, or either of them, to be removed from the camp?

Mr. BENTLEY. No, sir.

Senator CURTIS. It was not through you that the order was made?

Mr. BENTLEY. No, sir.

Senator CURTIS. Did you sign that paper that the old interpreter, Jones, said he saw with your name attached to it?

Mr. BENTLEY. No, sir; I think I can explain that. I think the paper read, "Kickapoo Indians living on the property to which Martin J. Bentley holds the title, the Indians having consented"—or something like that—to reside there, having the right to be there under me, and that no person objectionable to the Indians should be permitted to stay there.

Senator CURTIS. Did you not order Jones or that colored man off, because you thought they were interfering with your rights with the Indians, or interfering with your working with the Indians?

Mr. BENTLEY. I never spoke to him while he was around there.

Senator CURTIS. Did you order Mills, the old colored man, off?

Mr. BENTLEY. No, sir.

Senator CURTIS. Did he not tell you you were trying to rob those Indians?

Mr. BENTLEY. Yes, sir. I think he was drawing pretty heavily on his imagination. The facts are these: I was in Muzquiz one morning, and here came the chief of the Kickapoos and three or four of the Indians, and they said that Mills had committed some improprieties with some of the girls—I believe it was the chief's girl—or he was too fresh, and they wanted him arrested and locked up. I knew that the old negro had \$400 or \$500 on him and if he got in jail the Mexicans would get it, and they made their complaint to Guajardo. I went to Guajardo and told him that this old negro was a harmless old fellow; if they had sent a policeman out there they would have herded him like a horse, and I interposed, and Guajardo said, "Well, if he will leave the country and get out of here—the Indians do not want him here—I will let him leave." And we went out there and found that the chief and council were opposed to him, and I persuaded them to let him remain for a while. I said to them, "You had better let Mills stay a while longer, and he will leave here and go home," and they rather consented to his staying.

Senator CURTIS. But you borrowed his money, did you not?

Mr. BENTLEY. Yes, sir; I did. He had \$400 or \$500, and I would have paid it to him promptly, except that at the time my account was largely overdrawn on account of the Indians.

Senator CURTIS. Why did you not give him a certificate of some kind?

Mr. BENTLEY. I did; I gave him a check payable at a certain time. I could not pay him that day, or did not want to. He got his money, however.

The CHAIRMAN. You made it on the 15th of the month?

Mr. BENTLEY. Yes, sir. I would like to say, while we are talking about this matter of people being ordered away from the camp, that the chief, Wah-pah-ho-ko, and the council were very much opposed to Henry Murdock and Willie Murdock and Mack Johnson and those fellows. Mr. Outcalt lays great stress on the fact that Henry Murdock, as soon as he employed him as interpreter, was arrested and put in prison. The facts are that he came down there under the employment of Mr. Grimes and I did not know what legitimate use Mr. Outcalt could have for him, though he and Grimes did use the same Spanish and Mexican interpreter; but they ordered them away.

The CHAIRMAN. The Indians did?

Mr. BENTLEY. The Indians ordered those four fellows to leave, and this boy, Wah-pe-pah, had come away down there to have one of his babies named, and I got their consent to let him come back and have church for that purpose, and I said to them, "If you fellows are opposed to what the Indians want to do here, do not help Grimes here to rob your relations. Grimes is telling them to go over to Eagle Pass. I will help you." Had they wanted to go to Oklahoma, I would have been glad to help them.

Senator CURTIS. You have stated that Thackery and Outcalt were assisting these men?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. Do you not know that Thackery wired, after that bill had passed the House and Senate and had gone to the President, to have it vetoed?

Mr. BENTLEY. Yes; I know that, and I know also that he wired repeatedly to be advised as to the very moment it passed. He was writing and wiring Outcalt to get him over there. I want to say to this committee that when those Indians were being locked up and robbed in that wagon yard Mr. Thackery was there in the town.

Senator CURTIS. Is it reasonable that he would wire to the Department and urge that the President veto that bill if he wanted to help rob those Indians?

Mr. BENTLEY. No, sir; it is not. I think that Mr. Thackery may have been sincere in wiring the Department that he thought that bill ought to be defeated because he knew that Outcalt was going to cooperate with those fellows; he knew that they were going to be robbed of their land, but I believe that when the law did pass that he was friendly to their being robbed. I can not see it in any other way.

Senator CURTIS. Did he not state in one of his letters, and did you not read it, that if that bill became a law he was afraid that your crowd and the other crowd would both rob the Indians?

Mr. BENTLEY. Yes, sir; that is true, and Mr. Thackery knew that those Indians welcomed that law and they expected to put every dollar of the money into Mexican land. They talked with him about it and he knew it. Any man knows, who has observed me as close as Mr. Thackery has, that I never did, never will, and do not want to rob any Indians.

Senator CURTIS. You never heard of his doing anything down there except his wanting or claiming to want to pay that lease money in Mexico, did you?

Mr. BENTLEY. He did not come there claiming to want to pay it. He came there and told the Indians "If you come over to Eagle Pass, I will have lease money for you," and the correspondence shows that he wanted that to use as a lever for himself.

Senator CURTIS. But he did have lease money with him, did he not?

Mr. BENTLEY. He had authority to issue checks.

Senator CURTIS. Now, in the investigation that was made by Mr. Outcalt did he not simply inquire as to your treatment of the Indians, or rather inquire into your conduct toward the Indians who had the seven allotments?

Mr. BENTLEY. Why, Senator, he stayed there for nearly two months with those Indians; he was in town every day. There were Okemah and Noten and different ones, and he did not make any effort to get any statement from them.

Senator CURTIS. But they claimed that those Indians would refuse to make any statement, or refuse to sign any statement because you told them not to?

Mr. BENTLEY. I did not tell them not to. I told Mr. Outcalt when he came that if he wanted the testimony of any Indian and would let him sign in the presence of some one who could read English and could tell him what he was signing, he would sign for him.

Senator CURTIS. In your statement this morning you said that none of the Indians would sign anything?

Mr. BENTLEY. Mr. Outcalt's record shows that they refused to sign anything, and I think they did not.

Senator CURTIS. Did they not afterwards get deeds from two of those seven, or a contract to recover that land from you?

Mr. BENTLEY. They denied making any such contracts, and I have since found out that the deeds and contracts were forgeries.

Senator CURTIS. Have not the Grimes people got what they claim to be a contract?

Mr. BENTLEY. Yes, sir; but those Indians came before your committee and stated that they never made any such deeds or contracts; that they were arrested and taken to Guajardo's house, but they did not sign anything.

Senator CURTIS. But Grimes claims to have a contract?

Mr. BENTLEY. Yes, sir. I wish to say in relation to the Indians refusing to sign anything, that that is their own statement to Senator Teller, as shown by the Congressional Record; it was not my statement.

Senator CURTIS. Now, I wish you would explain to this committee fully your connection with those Indians who had the seven allotments, and what part you took in having the legislation enacted—the Senate amendment of 1905; state to this committee fully why you wanted those restrictions removed, what part you took in it, and why you wanted those Indians to stay in Mexico.

Mr. BENTLEY. It was this way: They were down there and had to have some place to live. I had formerly held a trust fund that I expected to invest in land for them, but Mr. Thackeray got them to



bring a lot of suits against me and had been so persistent in urging them to demand the return of their money that that money was principally taken by them and squandered.

The CHAIRMAN. You mean the Indians got their money?

Mr. BENTLEY. Yes, sir; I had a great deal of their money in my hands, but Mr. Thackeray persistently importuned them to sue me and demand the return of the money. The record shows in Dickson's report, by the testimony of the Indians, that I had several thousand dollars of the Indians money which I returned to them. It seemed that there was only one thing to do, and that was to pick out a few of the allotments that would bring the most money, and I picked out the old people and those who had no children and had the most valuable allotments; I picked out Wah-nah-ke-the-hah because he had no children; I picked out the seven whose land would bring the most, and I thought it would be well to talk to them about it—Noten and Okemah. Okemah said he never wanted this Oklahoma land anyhow; he wanted land over there. His allotment was near Shawnee, and he would never live on it again. Noten said he had no children and he would throw his in with the others. I came up here under an agreement with them. I called these Indians in interest in council and made an agreement with them.

Senator CURTIS. What was the agreement?

Mr. BENTLEY. The agreement was that I should come here to Washington and, if possible, get Congress to remove the restrictions, and then I would come back and they would deed the land to me, and I would take it and sell it and give them some money to live on and get a new home for them with the proceeds.

Senator CURTIS. That amendment was not pending before the House committee. I want to ask you if you thoroughly explained the object of the amendment before the Senate committee.

Mr. BENTLEY. I am not clear as to that; I do not think I appeared before the committee with relation to it. I talked with a good many Congressmen and Senators about it; at that time I think I talked a great deal with Senator Stewart, who was then chairman of the Senate Committee on Indian Affairs. He promised me a hearing and finally said it would pass anyway. That is my recollection of it.

The CHAIRMAN. You certainly talked it over with me fully.

Mr. BENTLEY. I did with several Senators and laid the subject before them, or as many as I could.

Senator CURTIS. I would like you to state to this committee what you stated to these Senators—if you did not state to them at a meeting of the committee what you stated to Senator Teller and Senator Stewart in reference to what you were going to do with those seven allotments or the proceeds of them.

Mr. BENTLEY. I stated that I was going to do just what I did do; that those Indians had sent me here to get this legislation enacted for them; that I wanted to get the full title vested in them, so that I could take their deeds and take them back to Oklahoma and put the land up for sale to the highest bidder and take the proceeds and invest them in lands to support these Indians and for their betterment in Mexico, and my compensation would be what was just and right.

Senator CURTIS. Did you have any agreement with the Indians as to what that compensation would be?

Mr. BENTLEY. Never, except that I should be paid something that was fair.

Senator CURTIS. Was it understood at that time that you were to have an absolute title?

Mr. BENTLEY. As the Indians' statements appear in the record, they turned their land over to me and I was to convert it into money, so as to exchange the land in Oklahoma for land in Mexico.

Senator CURTIS. Then you were acting simply as agent or trustee of the Indians?

Mr. BENTLEY. Absolutely at the time, either as attorney or trustee.

Senator CURTIS. Why did you not prepare a written agreement between yourself and these Indians at that time—this was valuable property, was it not?

Mr. BENTLEY. I think there were two or three agreements made.

Senator CURTIS. When was the first one made?

Mr. BENTLEY. I think under the authority authorizing me to come up here and present the matter to the committees of Congress—at the time of the execution of that I think there was a memorandum made of what it was proposed I should do. I want to say that unfortunately in the wreck down there a year ago last summer a whole lot of our effects were stolen; papers relating to things that happened years ago are gone and I am unable to produce them, and of course I do not state positively about these things; I am only giving you my recollection, except as to what I told these people about the legislation; I am very clear as to that.

Senator CURTIS. How much money did you receive from the sale of these seven allotments?

Mr. BENTLEY. I have received to date on those seven allotments \$17,900. I have made payments of money to all of the Indians. I have received from Okemah and his wife \$15,000 and from the allotment of Noten, or one of them, \$2,900. That is all I have ever received from the original seven.

Senator CURTIS. Out of the original seven allotments?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. What are those seven allotments worth, if you can give a good title?

Mr. BENTLEY. Had I been able to give a good title, I could have sold them for probably—

The CHAIRMAN. What could you have sold them for last year?

Mr. BENTLEY. I could have sold them last year, but for this fuss over the title, for \$60,000.

Senator CURTIS. The seven?

Mr. BENTLEY. No, sir; the five that were left—about \$60,000.

Senator CURTIS. What could you sell the five for now if the Government would issue the patents?

Mr. BENTLEY. I am afraid it is a little different now; probably I would ultimately get that much money out of them, but it would have to be retailed out.

Senator CURTIS. What could you get for the three that there is no contest over in case patents were issued to you?

Mr. BENTLEY. Unfortunately there is a lawsuit still to fight. Those fellows covered the land with forged deeds so I could not sell it.

Senator CURTIS. Do you mean the forged deeds that were taken in Mexico?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. Do those deeds enter into this?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. How many pieces of land are there of the three mentioned of these seven that there are no forged deeds on, or on deeds claimed to be against?

Mr. BENTLEY. One.

The CHAIRMAN. That is Okemah's, is it?

Mr. BENTLEY. No, sir; Jim Deer's. They seemed to be afraid of Jim, but of course actions are pending in the courts down there to set these fraudulent deeds aside, and they will now soon be reached.

Senator CURTIS. You say you have received how much money out of them?

Mr. BENTLEY. I have received \$15,000 for the sale of one of them so far, and \$2,900 for the sale of one other, and there is now in escrow about \$18,000 of deferred payments due on the Okemah land on which \$15,500 was originally paid.

Senator CURTIS. That is in the bank, is it?

Mr. BENTLEY. That is in the bank, I suppose.

Senator CURTIS. How much have you paid out?

Mr. BENTLEY. I have paid out for the Indians in various ways, that is all of them—as to these first seven, about \$15,000 directly. I bought that land over in Mexico.

Senator CURTIS. What did that cost you?

Mr. BENTLEY. That cost me, first and last—for the support given the Indians and leading up to its purchase—about \$13,000 gold.

Senator CURTIS. American money?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. What did the land alone cost?

Mr. BENTLEY. The bare land cost \$21,500 Mexican money, and the rate of exchange I do not know just what it was, but I think the market was against us at the time, and it would be about \$10,800 American money.

Senator CURTIS. Now with respect to this letter that was written to Senator Teller, did you write that for the Indians?

Mr. BENTLEY. No, sir.

Senator CURTIS. In that letter it is stated that there were crops being raised?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. If they could raise crops that year, why could they not raise any afterwards; they had the same land, had they not?

Mr. BENTLEY. After Mr. Outcalt came and threw the Indians in prison and treated them in the way he did, nobody in that country respected the Kickapoos any more, the Mexicans so imposed upon them after that that they could not remain there. Before the Department agents came to Mexico, Mr. Dickson came first and then following him came Thackery and Outcalt. Dickson had me put in prison in some way. Prior to the time Dickson came they were respected by everybody; there was never an Indian arrested except a few drunken ones sometimes, and we were moving along as smoothly as could be and never had had any trouble with anybody, but Dickson came and went to the governor of the State and told him I was unloading a lot of renegades in his State, and he

believed it apparently from the correspondence. Dickson went to Mexico City. Mr. Outcalt came out on the street and said to the Mexican police in regard to the Indians who were sitting in the plaza, "Take them fellows and throw them in," as though they were dogs.

Senator CURTIS. Do you mean to throw the Indians in?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. What Indians did he say throw in?

Mr. BENTLEY. Jim Deer and Pakotah.

Senator CURTIS. Who had the four leading Indians put in jail, if you know?

Mr. BENTLEY. Mr. Outcalt.

Senator CURTIS. Why do you make that statement?

Mr. BENTLEY. Mr. Noble, a white man who was down there and interpreted for Outcalt, has so stated, and also other responsible men. They said they heard Outcalt say that to the Mexican police. The policeman said to Mr. Outcalt, "What do you want done with these fellows?" and Outcalt said to the policeman, through the interpreter, "Throw them in."

Senator CURTIS. You did not see that, did you?

Mr. BENTLEY. No, sir.

The CHAIRMAN. We have the testimony of two Indians with regard to that.

Mr. BENTLEY. I want to say that Senator La Follette was not present and did not see these Indians, but probably no finer specimen of an Indian could be found on this continent than Wahpahchequa. He was a great big, fine, honorable, smart Indian, who gave evidence before this committee. They put him in prison and kept him there fourteen days. He is the man who Outcalt reported was really the chief of the Kickapoo Indians. He is 6 feet 1 inch tall, and at the time he was in prison he weighed 250 pounds. He uses fine language and is an Indian orator, a man of great natural capability. They not only put him in prison, but made him carry rocks in a sack a mile in the tropical July sun, the effect of which caused paralysis, and you will recall that he testified before the committee, "Now half of me is dead." His arm is as helpless as a piece of wood, and when he was taken from the court-house where the committee was sitting the condition of his side was such that no one could assist him down the steps; he had to be dragged on his well hip from step to step. Mr. Outcalt, I say to this committee, is responsible for the worse than the death of this man. He had much better be dead than in his present helpless condition. He was put in prison and constantly importuned to advise his people to make deeds to Grimes, and then he was tortured by carrying this sack of rocks to humiliate and break him down.

Senator LA FOLLETTE. Was he in there under any charge?

Mr. BENTLEY. No, sir; none whatever. The miserable judge who testified before this committee deliberately falsified, as the committee knows, as to the facts. He claimed that he had killed a cow. I will state to the committee that that man never interfered with any man's property.

Senator CURTIS. Why should Outcalt and Thackery want to put him in jail?

Mr. BENTLEY. It was to get rid of his influence among the Indians, so that Mr. Grimes and his gang could have full access to the Indians. It was Wahpahchequa who first ordered them from the camp.

Senator CURTIS. You were not trying to interfere with Thackery and Outcalt taking statements, were you?

Mr. BENTLEY. No, sir; in no way. On the contrary I said to him, as I had to Dickson, "If you are here for any proper purpose I will bring any Indian before you that you want; I have nothing to conceal."

Senator CURTIS. Did you not demand the right to be present?

Mr. BENTLEY. No, sir; but I thought that some person should be present who would know what the Indians were signing and whether they were signing the proper instruments and signing them understandingly. If you knew Mr. Outcalt as I have known him for fifteen years you would not be surprised that I made such a demand.

Senator CURTIS. You say Dickson had you put in jail?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. How long were you kept in jail that time?

Mr. BENTLEY. Four days.

The CHAIRMAN. What did he charge you with?

Mr. BENTLEY. He claimed that I was interfering with his investigation. He came there working on the same lines as Thackery. I would not attempt to consume the time of the committee by reading the miserable bosh that Dickson sent up there, calling it a report, and expecting somebody to believe it, and I am prepared to say to you that in the great big record that he sent there is not one word of truth in it, or if there was anything that had the semblance of a fact it was so distorted that it would not be properly understood. The records and circumstances and all the testimony tend to show that Mr. Dickson was a deliberate and vicious falsifier. In his statement he quotes from inspectors' reports that were never made. He quotes Inspector Zeverly as having said of me that "Mr. Bentley is a smooth, plausible gentleman, with a purr like a cat, and with soft, velvety paws in which there are many sharp claws." As a matter of fact, Mr. Zeverly never made any such report concerning me. Dickson reported that I was held as a common prisoner in the Mexican jail.

The CHAIRMAN. And Mr. Outcalt so reported through the press.

Mr. BENTLEY. Dickson also stated that I was held incommunicado; that no person was permitted to see me except my wife; that under the Mexican law when a man is held incommunicado no one but his wife can see him, and an Indian woman came to the jail claiming to be my wife, and her being able to see me could only be accounted for from that fact. As a matter of fact under the Mexican law when a man is incommunicado nobody can see him. As showing the credit to which Dickson's statements are entitled, I wish to call the attention of the committee to the report of Mr. Zeverly, which is as follows:

DEPARTMENT OF THE INTERIOR,  
UNITED STATES INDIAN SERVICE,  
*Kiowa Agency, Anadarko, Okla., April 17, 1900.*

Hon. E. A. HITCHCOCK,  
*Secretary of the Interior,*  
*Washington, D. C.*

SIR: In the matter of making investigation relative to the disposition of checks received by the Kickapoo Indians at the disburse-

ment made by Special Indian Agent John T. Oglesby, at Shawnee, Okla., in January, 1897, I beg leave to make the following report:

This investigation was occasioned by report made by Inspector Nesler, made some time in 1897 or 1898, in which he detailed a rumor which had come to his ears while at Shawnee, in Oklahoma, to the effect that Martin J. Bentley, now acting Indian agent for the Kickapoos, and W. S. Field, had, by false representations made to the Indians, secured practically all of the checks issued at that payment. His report also stated that the amount of the disbursement was about \$5,000. The records show that the disbursement was something more than \$1,600. Inspector Nesler's report did not purport to contain facts, but merely recited the rumor which I have above referred to. Many of these checks are indorsed by W. S. Field and B. D. Shear as witnesses to the indorsements of the Indians to whom they were issued. Mr. Shear is now clerk of the county court of Oklahoma County, with office in Oklahoma City. I called upon Mr. Shear and presented to him a number of the checks which purported to have been indorsed by him, and he recognized the signature as his own, and remembers having acted as witness for many of these Indians at the time payment was made. Mr. W. W. Barto, of Oklahoma City, also indorsed a number of them as witness, but I was unable to find him, he having left Oklahoma City, the place of residence given on backs of the checks. I took the testimony of a number of the Indians who had indorsed their checks and turned them over to Mr. Field. The testimony of all of them is herewith filed and marked "Exhibit A."

The facts which this testimony establishes are as follows:

First. Many of the checks were turned over to W. S. Field by the Indians. The evidence does not discover any effort on the part of Field to get these checks from the Indians, or any misrepresentations made by him in the matter, nor does the testimony in anywise connect Bentley with the checks. The Indians, as their testimony develops, by their voluntary act turned these checks over to Mr. Field to be held by him in trust for them, and also authorizing the money to be used to defray the expenses of a delegation which was sent to Washington at about that time, and authorizing Field to turn over to this delegation such of it as was necessary to defray the expenses of the delegation. Prior to January, 1897, Field was engaged in the mercantile business at Shawnee. Just at the time this disbursement was made his business went into the hands of a receiver, and then one or two days after his business went into the hands of the receiver his entire stock of merchandise was destroyed by fire. The evidence tends to show that the Kickapoo Indians were more or less indebted to him at the time of his failure in business, and that he had been very kind to them, always taking great interest in their welfare, and frequently leaving his business to go to the courts to have Indians who were charged with offenses against the law properly defended and relieved of the charges.

So far as I am able to determine, there is no truth whatever in the rumor contained in the report of Inspector Nesler, to the effect that Bentley and Field were in conspiracy to rob these Indians. The evidence, on the contrary, seems to indicate the greatest good faith on the part of Field in the matter of his relation with these Kickapoos. He advises District Attorney Speed, in a recent letter (a copy of

which I mailed you), that he still has in his possession some of the money taken by him in trust at the time this payment was made.

I herewith return to you the checks which I had from the sub-treasury in New York for the purpose of this investigation. My receipt for them is on file at the Treasury Department at Washington. Will you please have checks returned and my receipt taken up?

Your letter of instructions of March 21, among other things, advises: "At the same time you will make such investigation as may seem necessary of the management of the affairs of the Mexican or Kicking Kickapoos, and the Absentee Shawnees at the Sac and Fox Agency by Acting Special Indian Agent Martin J. Bentley."

When Mr. Bentley took charge of these bands about four years ago, none of them were on allotments and none of them were improving lands. They were in a primitive state and still pursuing their nomadic habits. I have driven over the Kickapoo Reservation, and I find a great many of them with improvements of their own, having their allotments fenced with good wire fences, which had been built by the Indians themselves, and nearly every one of them cultivating their own farms. In driving over the reservation I came in contact with many of these Indians who were in their fields plowing and otherwise preparing the soil for seed. As far as I could determine, they seemed to be industrious and anxious to progress in their work. The farmer, Mr. Clark, advises me that he has little trouble with them, and that they are all anxious to make progress in the matter of tilling their lands. Inquiry from many of the leading citizens of Shawnee develops the fact that Mr. Bentley has great influence with these Indians and has succeeded to a remarkable degree in inducing them to go to their allotments and make homes for themselves. I think Mr. Bentley's usefulness to the Kickapoos has been very great. He seems to take a deep interest in their welfare, and has probably been successful beyond what any other man would have been with the Kickapoos.

With reference to the Absentee Shawnees, he advises that he has not been able to make any progress; that they are discouraged and discontented; and that he has been unable to get them to take their allotments or make any effort in the direction of farming. I think that his management, so far as relates to the Indians intrusted to his keeping is concerned, has been excellent, and is deserving the commendation of the Department.

Very respectfully,

(Signed)

J. W. ZEVELY,  
*Special Inspector.*

J. W. Z. (E) Incls.

Indorsement. Department of the Interior. June 23, 1904. Indian Division. 2756 1/2/1900. April 17, 00. Zevely, Inspr. Investigation rel annuity pay't made by Agent Oglesby in 1897 to Mex. Kick. Inds. Incl. File June 23, 1904.

Senator CURTIS. Did not the Indians report that you had told them not to have any communication with Outcalt and Thackery?

Mr. BENTLEY. No, sir; they reported that themselves; they made a statement to Senator Teller that they were distrustful of these

men, and asked the Department to call them away. They said they had deeded their land understandingly, and did not want those people there at all. That was their own statement.

Senator CURTIS. Now, you were arrested there, and in your statement you say you did not try, or did not use any undue influence, to get any of the parties to sign the paper that you had. What paper did you have there?

Mr. BENTLEY. We had some blank allotment-roll sheets that we had taken down there, which are large sheets of paper, such as are used by the agencies for the purpose of enrollment. The Indians were called together at the chief's house and were told "There is a new law that is going to be passed and you fellows who do not want to stay here in Mexico had better get out of here; somebody will swindle you out of your land. Some of you have no land, and we are going to form a new tribe of those who want to remain in Mexico, and we believe we can raise money enough from the proceeds of the lands for you who do want to remain here to buy Pedro Blanco." You heard the statement of Henry Murdock before the committee as to what I did say. He interpreted when I made that statement. The Indians were invited to give their own names and the names of their children, so that we would have a proper enrollment of all those who elected to remain in Mexico and who put their land into a pool. It took several days. We worked at it at the chief's house. There was a table and pen and ink and proper equipment to carry on clerical work. Some Indians came and did not express a willingness to sign and went away, but in two or three days they all came voluntarily and signed. It was nothing but a mere statement that "We, for ourselves and our minor children, have elected to remain with the Kickapoos in Mexico." That was all there was about it. It was merely a list or enrollment of them, but it seems that while that was being done Mr. Outcalt, or some white man in Muzquiz, sent some white men there thinking that deeds were being signed and wanted to get signatures. That is what the Indians referred to in writing Senator Teller, that a paper had been sent out there by Outcalt for them to sign and that he would send it to Thackery at Eagle Pass and have it telegraphed to Washington. They said the contents of the paper were not true, and none of them had signed it.

Senator CURTIS. In your statement this morning you asked the question why was not Outcalt recalled. Is it not a fact that Outcalt claimed that you were interfering with his getting statements and that Field was interfering, and that this man Erney, who was in your employ—he was, was he not?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. That you were all interfering with him and with his work?

Mr. BENTLEY. I have already stated that I was put in prison on the 24th of June, and I left there on the 29th of June, and Mr. Outcalt and Mr. Grimes and all of them had the whole field there to themselves up to the 28th day of July. Nobody was there to interfere, and it seems to me that he could in the meantime have gotten access to those Indians, but he remained there until the very day that their names were forged to the deeds at Guajardo's house—the



21st day of July—and his expense account shows that he paid hack fare to and from Guajardo's house on that day, and he remained until the American consul appeared there, and on that day Al. Brown and one of his associates wired "Everything in the air." Mr. Outcalt left; there was nothing to stay for; apparently all the deeds had been gotten.

Senator CURTIS. Your judgment is that when Mr. Brown wired that everything was in the air it was because Outcalt had left, do you?

Mr. BENTLEY. No, sir; a consular officer of the United States appeared there, demanding that the Mexican Government release these Indians from armed guard, either at their village or anywhere else, and that was why Mr. Brown wired that everything was in the air, and that was when Mr. Outcalt prepared to leave. His investigation closed right then.

Senator CURTIS. You have stated that you were acquitted or discharged?

Mr. BENTLEY. Yes, sir; I was acquitted.

Senator CURTIS. And in another place you say "When you escaped from jail." What do you mean by that? If you were acquitted, what was there for you to escape from?

Mr. BENTLEY. I meant this, that when I was acquitted it was nearly sundown, and a Mexican who was friendly to me told me that the judge who had tried me, or before whom I had been tried, would leave there probably that night, and he said: "These policemen will throw you right back in prison again." As I walked out of the jail into the plaza I noticed Mr. Outcalt and Mr. Brown and the clerk of Alberto Guajardo, the court clerk, consulting and trying to get an Indian to sign something, and I thought that was another move to put me back in prison, and I watched them pretty closely and waited for the shades of night to fall so that I could get away, and when it was dark enough for me to escape I went. I was not escaping from jail, but from the country.

Senator CURTIS. You were leaving the country?

Mr. BENTLEY. Yes, sir; I went then to the home of Father Andres, the parish priest of Muzquiz. He is a German and a very nice old man; he has lived there forty years and knows the customs and conditions well, and I consulted with him, and he said, "I believe you will be murdered if you remain here, and you had better go or you will be at least thrown in prison again," and I accepted his advice.

Senator CURTIS. You stated to this committee in your opening statement that you knew or had reason to believe that you would be arrested before you were actually arrested?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. What led you to that conclusion?

Mr. BENTLEY. I overheard the conversation at Barroteran station on the morning of the 22d day of June between Al. Brown and Grimes. They were quarreling between themselves and nearly had a fight behind a freight caboose.

The CHAIRMAN. Explain how you came to overhear that conversation.

Mr. BENTLEY. I had been up all night getting this Indian, Pah-pah-me-na-ko-the, away from the Grimes crowd. I had not slept any all night. I saw this caboose standing up in the yard, and I was friendly with the crew, so I went up there to hide and rest. I believe that the freight crew had gone to breakfast, so I went up there and took a reclining position up in the corner and lay down there to rest, when up came Mr. Grimes and Mr. Brown. They supposed that they could talk there with some privacy; they had seen the crew go to breakfast. I went up between the freight trains, and they had not seen me. They leaned right up against the car, right opposite of where I sat, with only a partition between them and me, and they talked there nearly half an hour, when they saw the crew coming and left. I know that they had arranged with Outcalt to have me thrown in prison from what they said to each other, because they were quarreling about the money that was to go to the Mexican authorities. Brown was talking a great deal about the money that had been spent, and Grimes was telling him that there was a good deal in it; that he would have to put up his money if he wanted to win; that Conine had fixed it. Five thousand dollars was to be paid when I was put in prison, and \$5,000 was to remain in escrow pending my being held. I took the next train and went to Saltillo to see the governor of Coahuila, and upon my arrival there the president of the Bank of Coahuila, which is one of the strongest banks of the Republic, knew me and gave me a strong letter of indorsement to the governor and detailed one of his clerks to interpret for me in my interview with the governor.

Senator CURTIS. If you knew that, why were you so foolish as to walk up that ladder and let them pull it from under you?

Mr. BENTLEY. I will tell you. When a rurale tells you to go, you have to go. The rurale said, "The presidente wants to see you; he wants you to come up there." I said, "All right; as soon as I get something to eat I will come."

Senator CURTIS. And that was when they pulled the ladder down on you?

Mr. BENTLEY. Yes, sir; and if I had made a move to escape from the jail they would have shot me.

Senator CURTIS. What did you do toward supplying the Indians at the Kickapoo Indian camp with whisky, mescal, or beer?

Mr. BENTLEY. Senator, I am really surprised at your question.

Senator CURTIS. Well, it is charged that you furnished them with whisky and beer.

Mr. BENTLEY. I do not think——

Senator CURTIS. Well, I want to know if you ever did.

Mr. BENTLEY. I could not have maintained the respect of the Kickapoo Indians and done that—such men as Okemah and Ah-che-che and all those old councilmen. Their testimony is that I did not go about saloons and did not drink whisky.

Senator CURTIS. Did you ever, at any time, in Mexico, furnish mescal, beer, or whisky to any Indian?

Mr. BENTLEY. No, sir.

Senator LA FOLLETTE. Or cause any to be furnished?

Mr. BENTLEY. No, sir; I never did at any time.

Senator CURTIS. Did anybody in your employ do it?

Mr. BENTLEY. Not to my knowledge, and I do not think anybody who was employed by me would have done it.

Senator CURTIS. What about the fact that there were mescal joints around the Indian camp?

Mr. BENTLEY. I want to say this: That I have been around there two or three years, and if there is any of those I never saw them. I have known of the goat herders having occasionally a few bottles of mescal at their camp to sell. That is a kind of custom in that country, and it is usually kept in a very small way and sold at a very small price, and, of course, it would have been a very easy matter, no doubt, for Mr. Grimes to encourage them to stock up.

Senator CURTIS. Was there an illicit still there?

Mr. BENTLEY. No, sir; there is no mescal distilled within 30 miles of that place.

Senator CURTIS. It has been stated that there was one within 2 miles.

Mr. BENTLEY. No, sir. If there was, I do not know it. A mescal distillery is one that requires a great deal of preparation and could not be run like a whisky distillery in this country.

Senator CURTIS. Then you state to this committee that, to your knowledge, up to the time you left, there were no mescal joints around that camp there?

Mr. BENTLEY. Not that I ever saw that were run as regular joints.

Senator CURTIS. What about the practice of the Mexicans to take whisky or mescal out in their wagons or buggies?

Mr. BENTLEY. There is very little doubt a Mexican might have happened along with a bottle or two in his coat.

Senator CURTIS. Do you know Willard Johnston and Cash Cade?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. Did you have any understanding with them, or either of them, in reference to the passage of the amendment of the Indian appropriation bill of 1906, being Senate amendment, I think, No. 36?

Mr. BENTLEY. Nothing except that the banking business that might be transacted at Shawnee would have been done through them.

Senator CURTIS. Did you tell them that that act was going to be passed?

Mr. BENTLEY. No, sir; I told them, I believe, that Congress, in view of what we had found down there, was familiar with the condition, and I believed that Congress would release the titles.

Senator CURTIS. What part did you take in securing the passage of Senate amendment No. 36 to that bill?

Mr. BENTLEY. It is shown in the record.

Senator CURTIS. Well, tell us briefly now.

Mr. BENTLEY. When I came before the Senate committee very serious charges had been made against me by the Indian Office, and in various reports, and I came before the full committee of the Senate. As Senator Clapp had stated on the floor of the Senate, days and days were spent by the committee in the investigation. It was claimed by Mr. Thackery and Mr. Dickson that the land I bought for the Indians was good for nothing, and the country was good for nothing, and generally very serious charges were made.

The CHAIRMAN. You refer to the land in Mexico?

Mr. BENTLEY. Yes, sir; the committee called witnesses before it to testify as to the character of the land, and the whole matter was gone into fully.

Senator CURTIS. Was that in March, 1906?

Mr. BENTLEY. It was in March and April, 1906, just immediately preceding the passage of this act of June 21, 1906.

Senator CURTIS. Did you tell Cade and Johnston when you came here that you were coming for the purpose of getting an amendment of that kind passed?

Mr. BENTLEY. No, sir; I do not think so, except I probably told them—they were always very solicitous about the country—

Senator CURTIS. Did you have an understanding with them that if that bill passed they might invest some money down there and you would help them buy some land?

Mr. BENTLEY. Not with Johnston and Cade.

Senator CURTIS. Well, who did you ever talk with?

Mr. BENTLEY. I think Mr. Cade was perhaps here in Washington and talked with me some about the proceedings.

Senator CURTIS. Is it not a fact that he wired here along about the 2d or 3d of March, asking about this very amendment?

Mr. BENTLEY. I do not think he had any specific information from me. I think Mr. McGuire was furnishing him his information, as the telegrams in the record will show.

Senator CURTIS. Did you not tell him before you left Shawnee that you were coming on here to get that legislation through and for him to keep in touch with you?

Mr. BENTLEY. I think I told Mr. Cade that I was going to try to get the money that I believed was due the Indians under the old treaty.

Senator CURTIS. So you made up your mind at that time to work for this amendment No. 36 and to secure the passage of it, or rather have the Senate agree to it?

Mr. BENTLEY. Well, no, sir; I came here to work on the matter of getting the difference between 32½ cents and \$1.50 an acre for their surplus land.

Senator CURTIS. Then, if you did not have that understanding with Cash Cade and Willard Johnston—

Mr. BENTLEY. I never had any such understanding.

Senator CURTIS. Wait a minute. If you did not, then they must have been working of their own accord, for they wired here to find out about the passage of that amendment.

Mr. BENTLEY. I am very certain that that is true.

Senator CURTIS. You do know that they did wire Mr. McGuire and Mr. McGuire's secretary early in March inquiring about the passage of this bill?

Mr. BENTLEY. I know now that they did.

Senator CURTIS. And those are the same two men who helped furnish part of the money that was used in defrauding those Indians out of their land in Mexico?

Mr. BENTLEY. Yes, sir; that is correct.

The CHAIRMAN. You did not know at that time, did you, who was doing the writing?

Mr. BENTLEY. No, sir; I did not know anything about it. I think Mr. Cade was here in Washington, and in fact my recollection is

that I saw him and Mr. McGuire together here about the time that amendment was before the committee.

Senator CURTIS. Now, Mr. Bentley, you say in your statement that Thackery and Outcalt were debauching those Indians. Is that fair to Mr. Thackery?

Mr. BENTLEY. No, sir; it is not fair to Mr. Thackery to say that he was debauching the Indians, because Thackery is a man who does not go about saloons, and I never saw him drinking.

Senator CURTIS. He was not in Mexico when those Indians were drunk, was he?

Mr. BENTLEY. The most drunken orgie that I ever saw there was when Mr. Thackery was about the town of Muzquiz, but I do not think he was giving the Indians whisky. I want to be fair to him. I want to say that Mr. Thackery was associated with and was around with men who were debauching the Indians, and, as to Mr. Outcalt, I have seen him stand up at the bar and drink mescal, or drank beer when the Indians drank mescal.

Senator CURTIS. You stated to this committee that in March, 1906, you became satisfied that Thackery and Outcalt had entered into a conspiracy with Grimes to get the Oklahoma land from the Kickapoo Indians.

Mr. BENTLEY. That was May 22 when I formed that impression.

Senator CURTIS. Why did you form that impression?

Mr. BENTLEY. I will explain. In the first place, I went from Washington direct to my home, except that I went by way of Oklahoma City, and at Oklahoma City some one told me—in fact, everybody I met nearly were talking about Kickapoo legislation—and I was told that Thackery and Outcalt had gone down and Grimes had hired interpreters, and some kind of investigation was to be made, and that Outcalt had gone down to help the Indians. I do not know that they said that Thackery had. When I got over to Shawnee I only stayed one night; I just stopped at my home over night. I got there late in the afternoon and left at 9 o'clock next morning, and just before leaving I was at the Oklahoma National Bank, and Mr. Benson gave me to understand that he wanted to buy some of that land; that he was going to buy it, and I said to him, "There is no speculation in this, there never has been, and never can be with my consent. I am going down there if this bill passes, and take the deeds of those Indians, and I am coming back here and put the land up and sell it to the highest bidder, and you will have an equal opportunity with everybody else to buy it;" and he gave me to understand that I had better make terms with the people who were already down there; if not the Indians would probably lose out.

Senator CURTIS. State as nearly as you can what he said to you.

Mr. BENTLEY. I went there to sign some papers, so that somebody, a friend of mine, could get some money; I do not think I could give the exact conversation, but the significance of it I can give you fully. I left there impressed with the idea that they had a "stand in," and if I did not yield, and let them get some Kickapoo land at their own price, they would put me in jail.

Senator CURTIS. You mean Mr. Benson, the former president of the Oklahoma National Bank at Shawnee?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. The man who testified before this committee that he had entered into a contract to furnish the money to Grimes, Brown, and others?

Mr. BENTLEY. Yes, sir; that is the man.

Senator CURTIS. And Chapman?

Mr. BENTLEY. Yes, sir; some thirty-odd thousand dollars.

Senator CURTIS. And others to buy this land?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. That is C. J. Benson?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. Do you still insist upon your statement then that Mr. Thackery entered into a conspiracy with those people?

Mr. BENTLEY. I think Mr. Thackery was in conspiracy with Grimes or had some understanding with Grimes.

Senator CURTIS. Now, do you not think that the real trouble there was not that Mr. Thackery entered into a conspiracy with those people, but that there was a feeling between you two, and he would rather see the other people get the land than yourself?

Mr. BENTLEY. That view of it is very correct, in a way. Mr. Thackery at all times, and in every proposition, has always been ready to sacrifice the Indians if he could in some way injure me, and, as I say, that may have been true to some extent. His sympathy was with Grimes.

Senator CURTIS. You stated this morning that these same officers had entered into a conspiracy to put you in jail. Do you mean by that that Outcalt and Thackery were in that conspiracy?

Mr. BENTLEY. I think Mr. Thackery knew that the plan was being formulated. The telegrams show that.

Senator CURTIS. Have you anything to base that on except the telegrams? Was Mr. Thackery's name mentioned between those two men, Brown and Grimes, in that conversation that you heard while you were in the caboose?

Mr. BENTLEY. No, sir.

Senator CURTIS. But Outcalt, you say, was named?

Mr. BENTLEY. Outcalt and Guajardo were suggested—that is, the trend of that talk was that the deal was fixed up with Outcalt and Guajardo. They were expecting Outcalt to help them.

Senator CURTIS. When you appeared before the members of the Senate committee, or different members of the House and Senate, did you appear before any members of the House to urge an agreement upon amendment No. 136—that is, the amendment to the appropriation bill that passed June 21, 1907? Was it your intention at that time, and did you so tell the Senators, that you were going to handle the land that was released, if any, the same as you had intended to handle the seven allotments?

Mr. BENTLEY. I intended to leave that impression. It was understood that I was the attorney and agent for the Indians, and in my statement I said repeatedly that we wanted to sell the land. I used the word "we;" that we wanted to sell the land in the United States and acquire land in Mexico. I do not see how any other inference could have been entertained.

Senator CURTIS. Now, it has been charged here that when you were arrested and on the morning that you were discharged either

your son or somebody else brought an express package containing a thousand dollars and laid it on the table, and that you disappeared with the judge and with the attorney, and that upon their return you were properly discharged. What have you to say about that?

Mr. BENTLEY. I want to say this—

Senator CURTIS. Tell this committee what money you received and what you did with it and if you paid any officer to get you out—how much it cost you.

Mr. BENTLEY. There might be some things that would be unjust to some of the local Mexican authorities for me to state, because this record will probably reach Mexico; but as to the question of why I was imprisoned I will say that Grimes and his crowd were debauching the Indians and giving them any money that they would accept; they were urging them to take money. The Indians every now and then would come to the prison and want money of me. They could not understand if the other fellows could give them money so freely why I did not have it, and some were in need, and I wrote to the Border National Bank to send me some money by express. I sent several times for \$500, and this time my boy brought it there to the prison and gave it to me in a package. I put it in my pocket, and \$200 of it I paid the attorney who was there representing me.

The CHAIRMAN. Who was that?

Mr. BENTLEY. Julio Galindo.

Senator CURTIS. Do you mean \$200 Mexican?

Mr. BENTLEY. Yes, sir; he afterwards sued me and I had to pay him \$1,000 more.

Senator CURTIS. That left you \$400 American.

Mr. BENTLEY. My recollection is it was \$500 Mexican and that left me \$300.

Senator CURTIS. I thought you got \$1,000 Mexican.

Mr. BENTLEY. No, sir; I think it was only \$500. But anyhow I never was in the presence of the judge before whom I was tried in my life, except in the one room, the court room in which I was tried—never before nor since. I never had any private conversation with him in my life, and never addressed a word to him or he to me, except such language as was addressed to him as he sat on the bench in his official capacity.

Senator CURTIS. Did you step off in a side room with him?

Mr. BENTLEY. No, sir; never: absolutely no.

Senator CURTIS. Did you pay that judge or any other officer of that court any money to get your release?

Mr. BENTLEY. Never a dollar; no, sir.

Senator CURTIS. I will ask you some questions about this colored man, Mills. What about the statement that he made that you tried to hold him up, because you had helped him secure a canceled allotment?

Mr. BENTLEY. There is nothing to it at all, except that he was down there and had money and I borrowed it of him; I think \$422. He had a piece of New York exchange and indorsed it over to me, and I deposited it and checked against it.

Senator CURTIS. Did you hold out as an inducement or threat that you had helped him get this piece of property, and that he had never paid you for it?

Mr. BENTLEY. No, sir; but I have said this to him often, "You are responsible to me for getting your home where you live."

Senator CURTIS. You mean indebted to you?

Mr. BENTLEY. No, sir; responsible. I do not mean indebted. The agreement was he never was to pay me anything. He has lied about it.

The CHAIRMAN. You mean, then, that you assisted him in getting it?

Mr. BENTLEY. Yes, sir; because the Indians owed him more than the value of that for hard labor done by him there for them.

Senator CURTIS. He testified that you made him cut wood and haul it to your house.

Mr. BENTLEY. He never did any work for me at my home, except once, when he came to help the hired man cut some wood for me. He never worked a day for me in his life that I did not pay him for.

Senator CURTIS. He testified that he worked for you a good many years there and he still claims that you owe him.

Mr. BENTLEY. He helped me break land and plant fruit trees for the Indians. He was here and there. He was a great worker, that old nigger, and has been of great benefit in some ways and of great injury in others to the Indians.

Senator CURTIS. You heard Mr. Hampton's testimony, did you?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. Did you, while you were still agent, take Mr. Leonard A. Hampton into the bank and there dictate a contract between himself and Mr. Ives for the payment of \$500?

Mr. BENTLEY. My recollection is not clear as to that contract being dictated at the bank. I know I did dictate such a contract.

Senator CURTIS. You were still agent at that time, were you?

Mr. BENTLEY. I think it was just a few months before my term expired.

Senator CURTIS. And that was to give Mr. Ives \$500 in case that allotment was canceled.

Mr. BENTLEY. Yes, sir.

Senator CURTIS. Why did you do that when you were agent?

Mr. BENTLEY. I will explain. In the first place, soon after I became a bonded officer down there the Department directed me to investigate the allotments of a family named Mah-me-she-kah and her family. There were four allotments in the east and four in the west end of the country, names similar, but the allotting agent had by mistake probably allotted them in that way. I went ahead and did as directed. I made a very cautious investigation and found that they were double, and hunted up the mother. My instructions were to find the mother, and, if she would, have her elect which she would retain for herself and minor children, and she refused to have anything to do with it. She lived in the Caddo country. So I elected for her, as I was authorized to do, and four of the allotments were canceled, one near Shawnee and three farther west, way up next to the old Oklahoma line. The Indians got nothing out of it. I think somebody named Couch got one of the pieces of land in the west end, and some one—I do not know his name—got the other. Later on the whole country was being scoured over there, and as quick as an erroneous allotment was found some white man con-



tested it. I have been at a great deal of expense down there in fighting these Indians' battles in one way or another. I would bring a delegation on here to Washington, and I called the chief and council together and inquired about this allotment, whether it was Ah-ne-sha-pe or Nah-ne-sha-peah, to determine which allotment should be canceled, if either, and they unanimously agreed that there never was such a person as Ah-ne-sha-pe, and it ought to be canceled; that there never was such an Indian.

I said to them, "Now, I am going to arrange, if I can, to get you some fight money out of this. You say you want to go to Washington next winter and are going to need money." They call it always fighting the old treaty when they come here about money matters, and it was explained to them that we would probably find a white man who would give \$500 if he could get a filing on that allotment, and they wanted to get something out of it instead of letting somebody steal it, as they put it. Another thing that prompted me to take action was because I had learned that a very disreputable white man in that country—I do not want to give his name, for personal safety—had been there in company with a whisky peddler. I met them together one day—the peddler I knew to be in the whisky business with the Indians. He was a very disreputable fellow. They were looking over these pieces of land and I thought to myself, you miserable reprobate, if you get in here you will poison the Indians, and I do not want you here, and I sent word to Hampton to come down and have him contest that piece of land. I drew his papers, and, my recollection is, notified Mr. Howe of this city—I think his papers on file would show—that I had taken steps to take something for the Indians out of one of these pieces of land and protect Hampton, so that somebody would not file ahead of him.

Senator CURTIS. As agent, was that a proper thing for you to do?

Mr. BENTLEY. Yes, sir. I believe in that case it was proper. I believe it would have been wicked not to have done so.

Senator CURTIS. Did not any American citizen have a right under the law, if that was a void allotment, to go on and take it just the same as other men?

Mr. BENTLEY. Yes, sir; but my first duty was to the Indians, and had Hampton not contested that land, the Indians would have had a man there whom they had better give a section of land to than have him there—a man who would have led them to disgraceful conduct. In other words, any act or thing that I did I did for the interest of the Indians, and if I had thought it was really a wrong thing to do, I never would have gone up to that bank in a public way and made that contract and left it there so that it could be used against me.

Senator CURTIS. You could have got a reputable man to make that contest without putting up \$500, could you not?

Mr. BENTLEY. I wanted to save something for the Indians—I wanted the Kickapoos to get something out of it.

Senator CURTIS. Did you have any understanding that you were to get any part of that \$500?

Mr. BENTLEY. Not a penny. The Indians were sore against me, and are to this day, about that matter. They understood they were to get some money out of that. It was explained to them that Mr. Howe would get \$50, and I am not certain but some attorney in

Oklahoma was to get something. Anyway, the attorney in Washington was to get \$50, and the balance was to go to the fight fund, and the fight fund never materialized. Mr. Thackery came in and reversed me and canceled the wrong allotment. This allotment, however, of Ah-na-sho-peah, the person who never was, was sold and the Indian to whom the proceeds were paid squandered it. I think I saw him pay \$1,200 of that on a grocery bill.

Senator CURTIS. I do not want to go into each of these canceled allotments, as I do not think they have much to do with this investigation, but we heard some testimony down there about them, and I want to ask you one general question: Did you profit directly or indirectly while you were acting as agent by information you obtained while you were agent from the cancellation of either of those allotments?

Mr. BENTLEY. Never to the extent of a penny. I never profited in the matter. That allotment was never canceled.

Senator CURTIS. I do not say that allotment, but any allotment?

Mr. BENTLEY. In no instance did I ever receive a dollar, but on the contrary, foolishly, where an Indian had an allotment in the Oklahoma country that was good for nothing, a piece of sand hill, and he had the right to be allotted with the Creeks on a very valuable piece of land, as in the instance of Mott or Rufus Coon, I paid more out than I ever got. All this happened after I was agent.

Senator CURTIS. After your term expired?

Mr. BENTLEY. Yes, sir; but never at any time, either directly or indirectly, in any way, from the first contest that came up until the last, have I ever gotten a cent.

Senator CURTIS. Did you have any understanding with Mr. Howe that you were to divide fees with him?

Mr. BENTLEY. No, sir; it was a custom, as I understood it from what I had heard through friends—I think Mr. Howe told me, he had a contest at Elreno, some Indians that he had a great deal to do with; and he had received a fee of \$50, so that he might get his filings.

Senator CURTIS. Did you have any understanding with that German lawyer or merchant who was on the stand at Shawnee—Mr. Rodkey?

Mr. BENTLEY. There is one thing that I desire to explain, because the record is against me unless I do. Lee Patrick encouraged his father-in-law to come from Illinois—

Senator CURTIS. Who was Lee Patrick?

Mr. BENTLEY. He was the Indian agent at the Sac and Fox agency. Of course he had no right to get it for his father-in-law, and neither did I. Mr. Rodkey was courting a seamstress at the Indian school, and the girl told Mr. Rodkey that Patrick's father-in-law was going to get a fine allotment out near Shawnee, and Mr. Rodkey came to me and wanted to know where it was. Lee Patrick and I were very vicious enemies at that time, and I did not care who got it, but I did not want to see his father-in-law get it, and Mr. Rodkey has testified about that, and he is honest in his testimony. I told him if he wanted to put somebody on it to do it. I knew it was going to be canceled, and that was all I ever had to do with it. Mr. Patrick's father-in-law did contest it, and stayed on the land

a long time, and finally another man bought him out and others fought over it, and finally a man got a filing on it and he was contested, and I loaned another man some money later, two or three years afterwards, to buy them all out, and he filed on it, and later on he could not pay me and he relinquished the land and improvements to pay me, and I gave him some more money.

Senator CURTIS. Is that your homestead now?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. That all occurred after you left the service?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. Did any part of it occur while you were agent?

Mr. BENTLEY. No, sir; except the squabble over the land and sending Rodkey, or having the farmer show him the land, so Patrick's father-in-law would not get it. I told him to put somebody on it: I had him shown the land, so that he would know where it was and what I did officially.

Senator CURTIS. Now, it is charged that by reason of your connection with those Indians you have borrowed money from them, and that you gave them notes payable at your own pleasure without any security and without any interest.

Mr. BENTLEY. My answer to that charge is this: As a rule I have not paid very much interest.

Senator CURTIS. Have you paid any interest?

Mr. BENTLEY. Yes, sir. I offer now in evidence the receipt of Pahn-keah. In that case I received \$680 in trust, of which I returned \$716. I paid her more than was due her. I had the money and the others had had the benefit of it and I thought it was right.

Senator CURTIS. What do you mean by others?

Mr. BENTLEY. The Kickapoos. Her money was used more or less for the benefit of the others.

Senator CURTIS. You mean that you took the money of this Indian and gave her a receipt for it, your individual receipt, and put that money in the pool for the other Kickapoos?

Mr. BENTLEY. Yes, sir; I used it in a general account, as I will show you.

Senator CURTIS. Have you any of the promissory notes with you that you gave?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. I would like to see one of those made payable at your pleasure.

Mr. BENTLEY. I have never given any such notes. There are two that I gave for \$1,000. All the notes were payable at a definite time. Here is a sample of them:

EAGLE PASS, TEX., *June 4, 1904.*

On June 9th, after date, for value received, I promise to pay to the order We-ah-che-kah \$1,000 or its equivalent, with 6 per cent interest per annum from date until paid.

MARTIN J. BENTLEY.

Senator CURTIS. Now, you say you have never given any notes payable at your own pleasure and without interest.

Mr. BENTLEY. No, sir; not a note. Where I took money in trust for some ignorant Indian, where I thought I had a better judgment about the money he should spend than himself, I have given him a

receipt, which said I had taken his money in trust and would return it to him, as in my judgment his best interest would demand.

Senator CURTIS. How much did you say you borrowed from this Indian?

Mr. BENTLEY. Six thousand dollars.

Senator CURTIS. And you have paid all back but how much?

Mr. BENTLEY. She had six notes of \$1,000 each, and the indorsements show that I owe her \$1,700.

Senator CURTIS. Is she a Kickapoo or a Pottawottamie?

Mr. BENTLEY. She is a Kicking Kickapoo.

Senator CURTIS. Did you put that money into the pool?

Mr. BENTLEY. No, sir; I did not, not exactly. I think at the time perhaps that I got that money I may have used it in some speculation in the Creek Nation. I think probably part of it went into the general fund. I have deposited a great many thousand dollars, and whenever the money got low I drew it from anywhere for the general fund.

Senator CURTIS. Did you not borrow \$10,000 from some woman down there?

Mr. BENTLEY. No, sir; the most money I have received was from Mary Penetho, who was a Kansas Kickapoo, and she had my note for \$7,000. I will relate the circumstances of that.

Senator CURTIS. Would it not have been better, as a friend of those Indians, where an Indian woman had \$5,000 or \$7,000 or \$10,000, for you to have taken that money and invested it in a valuable piece of real estate?

Mr. BENTLEY. Yes, sir. I wish to say that the \$150,000 paid to 108 Indians, as shown by Thackery Exhibit No. 184 A, at least \$100,000 of this money might have been conserved and judiciously invested for the benefit of the Indians, but for the constant vigilance of the agent, Mr. Thackery, in his opposition to the Indians turning their funds over to me.

Those who did place their funds with me were so persistently importuned by Mr. Thackery to demand the return of their money from me that against my judgment and contrary to the interest of the Indians I returned most of it, which of course was soon squandered. In the instance of Mary Penetho, this woman gave me originally about \$9,000; she came to my office in the First National Bank building at Shawnee voluntarily and said, "Here's my money; you take it and see that some white man don't steal it. Pay my debts, and see that I get the return of my money." I went into the president's room of the bank with her, called the cashier of the bank, and had him count the money, which I deposited in my name—seven thousand and some dollars. I said, "Well, what shall I do?" She said, "I have owed \$300 in Kansas a long time; I want you to send that; you have stood good for my debts in town; go and pay them;" which I did, leaving a balance in my hands of \$7,000, for which amount I gave her my note.

Mr. Thackery persistently urged her to sue me, and finally, in my absence, through some misrepresentation, she was induced to touch the bank and a suit was initiated. In the meantime I had paid her \$2,000 on this \$7,000 note, and when I returned to Shawnee the attorney who brought the suit refused to return the note, though Mary very

cheerfully dismissed the suit, and I paid her \$500 in cash, which was all the money she wanted or asked for at the time, and I gave her nine new notes for \$500 each, payable each six months. Of these notes five of them were paid as they matured, and the next one due of \$500 January 1, 1908, will be promptly paid, there being now due Mary Penetho from me \$1,990. The schedule also shows that I received of Weahchekah \$6,100 and that I have returned \$4,400, leaving a balance due her of \$1,700. Originally I gave this woman six notes of \$1,000 each, three of which have been fully paid and surrendered and three which she still holds, on which the amount paid is indorsed. The schedule also shows on page 1 that I received of Ahthemesk-kahmo \$4,000 and returned \$3,600. This woman is now dead, and I owe her heirs about \$400; she was an educated woman and a most prodigal spendthrift. At the time of her death there was about \$1,800 due her. She left an infant daughter, whose maintenance I paid for out of this fund until it died, and then I paid in payments such as in my judgment were in the best interest of her husband, and the last hundred dollars I paid him resulted in his death. With it he broke a crap game, winning a large sum of money, and a policeman in Shawnee, Okla., followed him to the western border of the city of Shawnee, where he was shot down like a dog. His remains were taken to the undertaking establishment owned by the now famous Al. Brown, so often referred to in the record, but no money or anything of value was found upon his person.

Senator CURTIS. Should you not have invested it in something that would have returned rent for her; would that not have been a great deal better than to borrow it and use it and only pay 6 per cent?

Mr. BENTLEY. You could not do that, because the Indian agent was continually urging them to demand their money and bringing suits against the Indians. I took this Indian's money and went over in the Creek Nation with part of it; but anyway I bought a piece of land over there for \$5,000 that is probably worth \$8,000 or \$9,000 now, and I implored them to let their money stay there, and explained to her that when her dollar came back, if it had another dollar with it, I would divide it with her. But Thackery kept after them and finally they sued me, as I will show you, with your permission. I will say to the committee, digressing a little, that I have here in my hand Thackery's Schedule A [Exhibit No. 184], showing all the money disbursed by the agency since he became agent, and probably presented here with the idea that I had received most of that money.

Senator CURTIS. Did you not have it?

Mr. BENTLEY. No, sir; I will lead up to that in a moment. I am very willing to account for all the money that I did have. Taking up the matter of Kickapoo funds, as shown by Exhibit No. 168, I have gone over this exhibit page by page, and now present a schedule prepared by me, the first column of which shows the total account said to have been paid the Indians. The second column shows the amount received by me, the third column the amount returned by me, the fourth column the amount contributed to the general fund, the fund used for the benefit of any and all Kickapoos. Of this \$150,000 in Mr. Thackery's statement, the total amount of all that money that ever came into my hands was \$31,400, and I

have returned of that amount \$27,391.40, and am still responsible to the Indians, by note and otherwise, for the difference.

Senator CURTIS. It is shown in the testimony taken at Eagle Pass that when certain payments were made in November, 1906, you would pay over to the Indian, or have the bank pay over, a part of the money, say \$200, and that \$80 or \$60, or whatever the surplus might be, was put into this general fund.

Mr. BENTLEY. Yes, sir.

Senator CURTIS. Do you wish to explain to the committee how you used that general fund and what you did with the surplus, or what evidence you gave the Indian to show what you owed him on account of the surplus?

Mr. BENTLEY. As an illustration, on page 1 of Thackery's Exhibit No. 168 appears the account of Ah-che-che. He is allottee No. 141. The agency account shows that the total sum of money received by Ah-che-che at the agency and at Eagle Pass was \$966.80. The second column of this schedule shows that I had \$200 of that money. The third column shows that I returned to him, which I did, and the fourth column shows that he contributed \$61.70 to the general fund. This is a complete schedule, taking up the entire 108 accounts.

Senator CURTIS. Now, I want to ask you about the Indian Mah-kase-ah. Is that Jim Deer's son?

Mr. BENTLEY. No, sir; it is Pah-ko-pah's son. He is not a minor. I will tell you about his account.

Senator CURTIS. I have not asked you about his account. I want to ask if you received any money for him on the 22d or 23d day of November, 1906, or about that time?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. What, if anything, did you do toward buying him a ticket and sending him to Oklahoma?

Mr. BENTLEY. Well, he was there at the payment, I think, the 22d or 23d of November. His father brought him there to me and said he wanted to go to Oklahoma, and when the Kickapoos got settled he would join them somewhere, and so he went. First the old man insisted that the boy make a deed: he was afraid somebody would swindle him out of his land, and a deed was executed but no money was paid him at all that day.

Senator CURTIS. That is, by you?

Mr. BENTLEY. No, sir; I paid him nothing at the time, but told him that there was \$100 in the bank for him. He drew \$200 of the \$260 and something that was due him on the Government account; he put all over \$200 in the general fund, and then he bought a round-trip ticket. After he got up there he concluded to remain and, as a matter of fact, he never did come back. A squaw came back next spring.

Senator CURTIS. She came back on the round trip part of the ticket?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. These people claim to have a deed from that Indian, the Grimes people, for which they gave \$800. That land is appraised at \$3,000 and they claim to have deposited in the First National Bank of Eagle Pass \$800 to the credit of that Indian, and there was presented to this committee a check signed by this Indian, or which purported to have been signed by this Indian, on the 1st day of January, 1907, at Eagle Pass, Tex. Now, was that Indian in Eagle Pass on the 1st day of January, 1907?

Mr. BENTLEY. No, sir; he was in Oklahoma and had been since about the 22d or 23d day of November, 1906.

Senator CURTIS. Then if his name appears on a check indorsed by Doctor Conine, and witnessed by any of those people, it is a forgery, is it?

Mr. BENTLEY. It is a forgery beyond any question; yes, sir. I wish to say that Santos, who witnessed that check, never had been out of Mexico, as I am advised.

Senator CURTIS. The check is signed and dated at Eagle Pass, but Conine swore before the committee that the check was really drawn and signed at the camp near Muzquiz, Mex.

Mr. BENTLEY. At the San Francisco Ranch; yes, sir.

Senator CURTIS. Now, was that Indian at that ranch on the 1st day of January?

Mr. BENTLEY. No, sir; he was nearly 1,000 miles away from there, and had been for nearly a month, and has not returned yet.

Senator CURTIS. Then you say that from the time he left Eagle Pass, Tex., on the 22d of November, he was not back in Mexico, nor Eagle Pass, Tex.?

Mr. BENTLEY. He has not returned as yet. He never has returned.

Senator CURTIS. Mr. Bentley, you may state to the committee what, if any, understanding you had with the authorities at Eagle Pass about the arrest or the detention of those Indians in jail, when any of them might have been found in an intoxicated condition.

Mr. BENTLEY. I am well acquainted with some of the county commissioners there, and they instructed the sheriff that if an Indian got on a spree and showed that he might be in a way to become intoxicated, or started to get drunk perhaps, that I might put him in and cool him off, and, if necessary, leave him until the following morning, and he was turned out without any charge or fine.

Senator CURTIS. Were you there when those three minor Indians were married?

Mr. BENTLEY. No, sir; two.

Senator CURTIS. There were three married within two days of each other.

Mr. BENTLEY. I was in the city when the little boy, Nah-ah-che-thot, for whom I am guardian, was married.

Senator CURTIS. Please tell the committee about that.

Mr. BENTLEY. I recall the day as well as if it were yesterday. I had sworn out warrants for George Kishketon and Mack Johnson and Tony Alexander, and had been keeping pretty close watch for them to come over.

Senator CURTIS. You mean at Eagle Pass?

Mr. BENTLEY. Yes, sir; I had State warrants for them, and it was just on the eve of the sitting of the grand jury and I recall that Alexander came and looked around the corner where I was standing and looked awful wolfish and scared. He had heard in some way that there was a warrant out for him, and this boy, Puck-e-shin-no, came straggling along. He was crazy drunk.

Senator CURTIS. How old is that boy?

Mr. BENTLEY. He is about 18 or 19 years old, I guess.

Senator CURTIS. The record shows him to be 17.

Mr. BENTLEY. I do not think to exceed 18, but he was too drunk to converse with. He followed me around and bothered me a good deal and finally Kishketon came, I think, and got him and took him to the store; he was awful ragged when I saw him, and the next time I saw him he had a brand new suit of clothes on and he had fallen in the mud and his clothes were ruined. He kept coming to me and wanted to borrow a dollar. That was about all he could say. I refused to give him any money, and next to the last time he came, a very fine Mexican hack came along and he hailed it and got in and was gone for an hour. The hackman came back and said that the boy would not pay him the hack hire and if I did not pay it he would throw him in jail. He was disturbing the peace there and I thought it was the best thing for him to go to jail, and I said to the man, "I do not care what you do with him, in the condition he is in he would be better off in jail." I thought it would be better to get him cooled off and he took him up and put him in prison, and the next morning I found he had been taken out of prison and married that night.

Senator CURTIS. Taken out of prison the night before?

Mr. BENTLEY. The same night; he was taken out and he was married, as I understood it. It was a rainy night, and Mr. Grimes brought the boy for whom I am guardian, Nah-ah-he-thot, and those two Nacimientio women over to the jail—the jail and county court-house are right together—and my understanding was that they were married that night; that they took the oldest boy out of prison, and took him right around to the court-house and had him married.

Senator CURTIS. Were they both in prison before they were married?

Mr. BENTLEY. No, sir; the boy for whom I am guardian is just a little 15-year-old boy; he never gets drunk, or I never knew him to.

Senator CURTIS. Do you know the woman to whom he was married?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. What was her name?

Mr. BENTLEY. Qua-to-quia; and she is a woman of the worst character.

Senator CURTIS. Is she any relation to that boy?

Mr. BENTLEY. I understand that she is his aunt. She told me so.

Senator CURTIS. And that is the boy and girl, or the boy and the woman, whom Grimes had married and afterwards took a deed for the boy's land?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. And he, you say, is about 15 years old?

Mr. BENTLEY. He may possibly be in the neighborhood of 16. I do not think he is, yet.

Senator CURTIS. You knew the other Indian boy, did you?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. You say he was drunk?

Mr. BENTLEY. He had sufficient to drink; was crazy drunk.

Senator CURTIS. And he was also married there?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. He was a minor, was he?

Mr. BENTLEY. Yes, sir; he was married to one of his relations, so closely related that under the Kickapoo custom they would not be permitted to marry.



Senator CURTIS. Has this boy ever lived with that woman since as his wife?

Mr. BENTLEY. No, sir; I asked her about it, and she looked in complete surprise.

Senator CURTIS. The truth is that she had a husband down in Mexico, had she not?

Mr. BENTLEY. Yes, sir; she told me her man was over there. I said to her, "Don't you know you are married white man's way?" And she said, "No, we just held hands, and I got a little money for it."

Senator CURTIS. Did they give that boy for whom you are guardian any money?

Mr. BENTLEY. I heard that they gave him 50 Mexican dollars.

Senator CURTIS. Did he show any of it to you?

Mr. BENTLEY. No, sir; they took him back across the river to Mexico.

Senator CURTIS. Where is he now?

Mr. BENTLEY. He is in Oklahoma, up at Harrah, I understand, with his grandmother.

Senator CURTIS. Are you still guardian for him?

Mr. BENTLEY. Yes, sir; I was never consulted about his being married.

Senator CURTIS. Do you know anything about those girls who were married, from whom they took deeds, and who are with the tribe now in Mexico?

Mr. BENTLEY. Yes, sir; I saw Mr. Conine and Py-a-tho when they were on their way down from Oklahoma to Mexico; in fact I ran up to Spofford Junction from Eagle Pass and met them coming down when they were returning. I went back to Eagle Pass and tried to get that girl away from him, but Grimes's money had so poisoned the girl's mind against me that I could do nothing with them. In fact her husband was a Nacimienta Kickapoo and they had worked on him and he would not permit his wife to go with me or talk to me, but they told me they were going to sell their land to Conine.

Senator CURTIS. Then she was married to the man that she had been living with, or did she say to some new man?

Mr. BENTLEY. No, sir; she was married to that fellow she was living with, but I think she had only been with him two or three weeks. She is a very young woman; I doubt if she is of age.

Senator CURTIS. She was the woman who was before our committee at Douglas, was she not?

Mr. BENTLEY. No, sir; I do not think she was before the committee.

Senator CURTIS. I was asking you about the girl who was before the committee.

Mr. BENTLEY. That was Pem-e-pah-hone-quah. She is not more than 16 years old. She has not been married to my knowledge.

Senator CURTIS. They have a deed from her, have they not?

Mr. BENTLEY. Yes, sir; Brown got her deed. There were two minor children in the Ah-kis-kuck family from whom Brown got deeds, or the Grimes crowd. One was Kee-ah-tha-kum-o-quah, and the other daughter was Pem-e-pah-hone-ah-quah.

Senator CURTIS. If you know, I wish you would tell us the number of minors from whom the Grimes people—and I mean by the Grimes people, Conine, Grimes, and Chapman, and all that crowd—took deeds.

MR. BENTLEY. Do you also want to know the pieces of land covered by those deeds?

Senator CURTIS. Yes; if you have them.

MR. BENTLEY. Well, in the case of Na-ah-che-that I understand that the deed taken from him covered his own allotment and two allotments that he heired from his mother and brother.

Senator LA FOLLETTE. Is he a minor?

MR. BENTLEY. Yes, sir; he is 15 or 16 years of age, and there were those two Ah-kis-kuck minors and Jim Deer's boy.

Senator LA FOLLETTE. Do you know how much is covered by the deeds already taken?

MR. BENTLEY. Yes, sir; in each of those instances it only covered the one allotment, the original allotment of the Indian.

Senator CURTIS. Eighty acres; that is four. Give the others.

MR. BENTLEY. I do not recall any others, except that the Nah-ah-che-that deed covered three 80-acre tracts, and the Py-a-tho deeds for two allotments, making a total of about eight allotments deeded by minors.

Senator CURTIS. That girl from whom Conine secured a deed is not of age, is she?

MR. BENTLEY. No, sir; I understand that they took a deed from this girl, who is barely 15 now, and she is shown to have been 3 months old at the time she was allotted in 1893.

Senator CURTIS. What is her name, Nah-ah-ki-pea?

MR. BENTLEY. My recollection is that there were three boys and four girls.

Senator CURTIS. And it is the girl in Oklahoma who never had been to Mexico?

MR. BENTLEY. Yes, sir; she is also a minor.

Senator CURTIS. That makes eight deeds.

MR. BENTLEY. Yes, sir; I want to say to the committee in this connection that I took deeds also from minors, but for no purpose in the world except to keep Grimes from complicating the titles to their lands, so when they became of age they could ratify them. I do not claim any titles to any such Oklahoma lands.

Senator CURTIS. Do you claim you have an absolute title for any piece of land that was deeded to you by any of the Mexican Kickapoo Indians?

MR. BENTLEY. No, sir; neither does my wife, nor Mr. Ives.

Senator CURTIS. Do you hold any of that land in any other capacity than that of trustee?

MR. BENTLEY. I never have asserted any other right or claim to it.

Senator CURTIS. Now, in case you got a good and perfect title to the deeds that you secured for the lands under the act of 1906, what, in your judgment, would that land at this time sell for—that is, if you had a perfect title?

MR. BENTLEY. I think about \$200,000.

Senator CURTIS. What, in your judgment, would the land sell for that the Grimes and Conine people secured deeds for?

MR. BENTLEY. I think the total of the land they got and we got—

The CHAIRMAN. Put theirs by themselves.

Senator CURTIS. I want to know about all of it.

MR. BENTLEY. Well, I think it would be \$275,000.

Senator CURTIS. Would it be between \$250,000 and \$300,000?

Mr. BENTLEY. Somewhere in that neighborhood, at the price the land was selling for. At the time the deeds were taken it would have brought \$300,000.

Senator CURTIS. I mean if you could get an absolutely perfect title.

Mr. BENTLEY. I think with a perfect title it would be between \$250,000 and \$300,000.

Senator LA FOLLETTE. I do not understand whether these lands, or the figure you have given, rather, is your estimate of the value of the land that the Grimes people got or the total value.

Mr. BENTLEY. It is the total value.

Senator CURTIS. That is, that the Grimes people and you got together?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. They have deeds on everything that you have deeds on?

Mr. BENTLEY. Nearly everything; there are a few of those, maybe eight or ten, that they did not get any deeds to. The lands that they are asserting title to by forged deeds we also have genuine deeds on with a few exceptions. I believe the value of the land to be between \$250,000 and \$300,000.

Senator CURTIS. I intended to ask you, but I forgot it, if you were in Eagle Pass when the Indian was brought there under arrest, the one that was charged with killing another Indian and from whom they took a deed.

Mr. BENTLEY. Yes, sir; I was there.

Senator CURTIS. Do you know anything about the circumstances of that?

Mr. BENTLEY. Yes, sir; I mixed up in that.

Senator CURTIS. I wish you would state to the committee what you know about it.

Mr. BENTLEY. I had been advised by some white man who came out of Mexico that he had seen this Indian, with a heavily pock-marked face, in charge of some Mexican policemen on a train, and they took him off of the train at Baroteran, and naturally I was on the lookout for him and the train they brought him in on.

Senator CURTIS. What was his name?

Mr. BENTLEY. Pah-me-na-ko-the. I was at the station when the train arrived, and I went through the day coaches and back through the sleeper; I didn't have the nerve to go into the stateroom and look in there for an Indian, but I waited around for ten or fifteen minutes. The train stops there twenty-five minutes at Eagle Pass, and everybody left the station as usual. I learned later that they held him there in the stateroom, and when I had left they took him in a carriage around to the wagon yard, and there one of them held him until he arranged with a notary down at the bank, when they took him down there and took his deed. In the meantime No-ten happened to be in Eagle Pass, and he came and told me they had him in jail, as he called it, at the wagon yard, and I told him to go up there and told him to advise those people to get out of there. I said, "You tell them, if they cannot go, I will come and help them." John Pecan was also there, so he bulled the market and got out, and he came down there to the main street of the town, and I saw them meet him and try to take him to the bank. When the Indian observed me, he broke away. I called to him and said, "Don't be afraid, no one will hurt

you here," and he started to come where I was and Conine grabbed him, and Al Brown and Grimes caught hold of him and hustled him along to the bank; and in the meantime Charlie White ran into the hardware store and grabbed a pistol, ran out, and said, "Which one shall I kill first?" We went over to the bank door, and there Mr. Schmidt met me and said, "You have no business in here. I have forbidden you to enter the bank." I insisted that the Indian was being robbed and was intimidated. He said, "I will go back and ask him if he wants to talk to you;" and of course when he came back you know what he would say.

So they held him in there, and in probably half an hour a closed carriage came around to the back door, and they ran him away and carried him across the river to Mexico. The Indian told me since then that they arrested him over there and first charged him with murder, and then they tried him and sentenced him to the penitentiary and took him in the train and chained his hands to the car seat. When they got to Barroteran, Mr. Brown and Mr. Grimes posed as his liberators. They told him that if he would agree to sell them a piece of land in Oklahoma they would get him freed and keep him from going to the penitentiary, and after a good deal of talk they liberated him. They took him over to another judge and had a fake trial over there before the other judge, and he agreed to sell his land to them and agreed in the way that was satisfactory to them, and the next day they took him and came on the train to Eagle Pass.

Senator CURTIS. Did he tell you how many pieces of land he had agreed to sell them?

Mr. BENTLEY. He persisted from the very first that he never had agreed to sell but one piece of land, and that was heirship land, and the interpreter who interpreted the deed to him so stated to him.

Senator CURTIS. Did you not hear him state before this committee that he agreed to sell allotment No. 54, which was an inherited piece of land?

Mr. BENTLEY. Yes, sir; near Harrah, Okla.

Senator CURTIS. And he was to get \$3,000 for it?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. Now, they included in that deed seven pieces of land, did they not?

Mr. BENTLEY. I think so; seven, or an equity in seven.

Senator CURTIS. What is the value of those seven pieces of land?

Mr. BENTLEY. I think about \$22,000, or perhaps \$25,000.

Senator CURTIS. And they gave to this Indian \$3,000?

Mr. BENTLEY. Yes, sir; they played a trick on him. They only had one deed, and they had all the land included in that deed. He said he touched the pen, and then they pushed it back to him again, and he said: "What am I touching the pen twice to the same paper for?" and they said that made it stouter. He told me on the train that they told him, "You have agreed to put your land over there with the others, and if you break the agreement and if Bentley gets hold of you in Texas he will send you up to Austin for five years, and you must not let him get you." However, notwithstanding their warning, he was not afraid of me. They took him by force. They simply grabbed him and took him into the bank.

At this point the subcommittee adjourned until to-morrow, December 4, at 9.30 o'clock.

WASHINGTON, D. C., *December 4, 1907.*

The subcommittee met at 9.30 o'clock a. m., pursuant to adjournment.

Present: Senators Teller (chairman), La Follette, and Curtis; also Mr. John Embry, United States attorney for Oklahoma, and Mr. Martin J. Bentley, representing the Mexican Kickapoo Indians.

Mr. BENTLEY. If the Chairman please, I want first to complete my statement in relation to Mary Pennetho and the \$7,000 that I originally owed her, and on which note I was sued through the agent's deception to Mary Pennetho.

This woman came frequently to my office, accompanied by her husband, who was a drunken and unreliable Pottawatamie Indian. He speaks English and she does not. They would come into my office, of course, he in front of her and she in the rear, and he interpreting and insisting that Mary wanted \$500. Mary would shake her head at me and tell me in signs to hold onto her money. She knew he would take it if he could get it and gamble it away. He did not like me. He said, "I will go and see the agent; I have a right to hold my wife's money." So they would go over to Mr. Thackery. The same thing would be repeated there. The woman was afraid and would not say so to him, but he would represent to Mr. Thackery that I had her money and wanted to keep it; that I would not give it to her. He would represent to the agent that she wanted her money when, in fact, she did not want it. Then Mr. Thackery would write to the Department and say I had this poor widow woman's money and say I was deceiving her and she would lose her money.

In that connection I want to say, in justice to Mr. Thackery, that in numerous instances of this character he has been deceived and taken advantage of. For instance, a man who was a friend of mine, who had a good opinion of me, and could get favors from the office of Mr. Thackery—if he wanted a lease of land, all he had to do was to go there to Mr. Thackery and vilify me. Soon after Mr. Thackery took the office it was a matter of general comment, and word was passed along the line that "If you want any favors over there give Bentley the devil;" and men who then and now are my friends came to me repeatedly and apologized and said, "I have had to say things about you in order to get a lease or to get some favor I wanted of the agent, Mr. Thackery," which was very detrimental to me. "He is thin-skinned and overprejudiced, and that is the only way we could reach him."

I would like to take up this record that was gone over yesterday and make some further remarks as to it.

In regard to that testimony of Mack Johnson in the record, let me call your attention to his letter to Senator Teller (Exhibit No. 46). This letter was written shortly after the occurrences detailed, and should receive consideration as corroborating the testimony of Johnson, given a year later.

I also call attention to the affidavit of Joseph Clark (Exhibit No. 10), as showing Outcalt's total lack of good faith in this proceeding; and this is especially so when considered in connection with Clark's evidence, taken later. Mr. Outcalt, in reporting what Clark said to him—Clark's statement to him, rather—says:

That Clark and Bentley were to be partners and were to divide all profits arising out of the location of these Indians in Mexico. That about one year ago, when it became evident that these seven pieces of land could be transferred, Mr. Clark advised the entering into a contract or agreement so that there could be no misunderstanding about the matter with the Indians. Mr. Bentley replied, "We will not do that, but we will go ahead and get these deeds and after we get through we will give them what we don't want." Clark says he protested against this manner of procedure, but Bentley said, "No; we will go ahead and when we have got through with this we will give the Indians what we don't want, and they can not do anything about it." Clark said he would have nothing more to do with it, unless there could be a contract made to this effect. This he refused to do, and Clark withdrew from the enterprise.

Now, Clark's statement is—

The CHAIRMAN. Whose statement was that?

Mr. BENTLEY. Outcalt's statement of what Clark had said to him.

Now, Clark says, in his affidavit, in relation to this paragraph—

The CHAIRMAN. In his affidavit or in his testimony?

Mr. BENTLEY. In his affidavit—

I positively deny that such statement as indicated in the foregoing (we will give the Indians what we don't want and they can not do anything about it) was ever made to Mr. Outcalt by myself. I have never at any time or in any way sought or would I heretofore or now entertain any proposition whatever looking to the wrongful or unjust treatment of any Kickapoo Indian. I have known these Indians for many years; was their farmer for several years, and I have always sought to protect and aid them, and have never intended or indicated to any person that I would do otherwise.

I was at Muzquiz, in the Republic of Mexico, last July, where I met Mr. W. C. Douglas, an attorney from Eagle Pass, Tex., who speaks both Spanish and English, and who came to Muzquiz, Mexico, to defend the Kickapoo Indians, who were in prison and under armed guard at the instance of assistant United States attorney, George A. Outcalt. This attorney, the said Douglas, left the city of Muzquiz during the evening of July 20 or 21 to visit his clients at their camp, 9 miles from Muzquiz. A Mexican policeman came and inquired of me whether or not Mr. Outcalt wanted this attorney at the Indian camp. The policeman stated that he would go and bring him back if Mr. Outcalt did not want him there, and I said to the policeman, "I will see Mr. Outcalt for you," and I proceeded to the home of Doctor Connine, in Muzquiz, where I found Mr. Outcalt and called him out and told him what the policeman said, and Mr. Outcalt said, "Hell! no; of course I don't want them out there," referring to Mr. Douglas; the Kickapoo Indian clerk, E. B. Erney, and John Gostan, who I understand was a sort of farmer to the Kickapoo Indians. Outcalt then went out on the plaza where the policeman was, and in my presence, through Mr. Albert Noble, as interpreter, Outcalt instructed the policeman to arrest and return the parties to Muzquiz, and when I got up the next morning I found they had returned.

JOSEPH CLARK.

Subscribed in my presence and sworn to before me this 20th day of December, A. D. 1906.

[SEAL.]

HOMER YATES,  
Notary Public.

Now, it should be observed, in speaking of this witness, Outcalt, that in his report he says that Clark is a very reputable gentleman.

The CHAIRMAN. Who says that?

Mr. BENTLEY. Outcalt. In speaking of the statement referred to, he says Clark is a very reputable gentleman. But in this connection I want to say that when he was friendly to me, Thackery said he was a thief. I want to show the disposition of these people—that they do not hesitate to villify a man of character.

While Thackery and Outcalt both now testify to the high character of Clark, when they got him for a witness, when they did not need

him for a witness, Thackery's information to Inspector McComas on the date of June 9, 1902, in a communication addressed to the Hon. Commissioner of Indian Affairs, Washington, D. C., was:

When Mr. Thackery first came here Mr. Clark was very anxious to appear friendly to him, and when the former expressed a desire for a certain document that was in Mr. Bentley's possession Mr. Clark hurried off to Mr. Bentley's house, stole it from him, and gave it to Mr. Thackery, thinking thereby to show his friendliness for him, but instead of praise for his prowess he was severely reprimanded by Mr. Thackery. This act shows that he was not above stealing, and he has since been known to be the bearer of happenings at the office to Mr. Bentley.

Office letter of March 24, 1902, to me here, was left at the office one day and suddenly disappeared. Mr. Clark had been in the office in the forenoon and may have seen the letter. No one in the office could possibly have had any interest in the letter.

Now, the letter referred to related to some charges I had made against an attorney in Norman, Okla. This attorney had been instrumental in having an Indian indicted for murder in order to get the Indian's half section of land for defending him. I knew who committed the murder; knew that the Indian, Sloat, was innocent, and at fense. When they appeared at the trial and the attorney saw that the Indian was going to have proper defense the case was dismissed; but Mr. Thackery recommended to the Indian Office that the attorney be given a part of this Indian's land or given a fee amounting to \$500, and the Indian's land was sold and the fee was paid, and Thackery defended the lawyers who robbed these Indians from beginning to end. It is only another instance when each and every time an Indian was being robbed, and I went to his rescue, Mr. Thackery and the Government officials connected with Indian matters in that country always went to the rescue of the robber, and in this instance I want to say, not with any antagonism to the present incumbent of the district attorney's office or his action in Oklahoma, that when I brought an action to recover the estate of an Indian boy for whom I was and may still be guardian that had been erroneously deeded and conveyed by parties who had no title, through the Indian agent and the Indian Office, that the United States attorney or his assistant appeared in the probate court of Oklahoma County and attempted to have me removed, and petitioned the court to have me removed as guardian, and recommended and attempted to have a friend of L. C. Grimes, one Mr. Hale, appointed in my stead.

I want to say in connection with that matter, that the action is still pending in the United States district court, and instead of having the cooperation of the United States attorney's office, that I have been opposed from the beginning until now.

Mr. EMBRY. I wish you would be specific and state who appeared.

Mr. BENTLEY. At the time referred to, Mr. Scothorn and Mr. Thackery. I have already stated that in the record.

The CHAIRMAN (to Mr. Embry). Was Mr. Scothorn under you?

Mr. EMBRY. He is one of my assistants. If that was under Speed's administration I would like him to state something about that.

Mr. BENTLEY. I have stated that was before the present incumbent took the office.

Mr. EMBRY. You said without any antagonism toward me. I would like you to state those facts.

Mr. BENTLEY. I intended to have the record show that.

The CHAIRMAN. I do not think anybody should be responsible for anything Steed did down there, as I have heard. Mr. Bentley has just stated that this was not under the administration of Mr. Embry.

Mr. BENTLEY. Although the present incumbent of that office, Mr. John Embry, so far, has signified no disposition nor have I consulted him concerning this matter, this action was taken during the time of the incumbency of Horace Speed, of that office.

In making this statement, it is not with the intention of in anywise reflecting or bringing any reflections upon the present incumbent of the office of United States attorney for Oklahoma.

Mr. EMBRY. This is the first time you have brought that matter to my attention, and I am willing to investigate it on my return to Oklahoma and give you any proper cooperation from the United States attorney's office. I do not know anything about the facts, but shall investigate them as soon as I return to Oklahoma, and take the proper action.

Mr. BENTLEY. It should be observed that Mr. Thackery in his statement to the Department had contended that I was not a proper person to be the guardian of an Indian child, and also Mr. Dickson was strongly urged that I was disreputable, totally unworthy of belief, a person of the vilest character; yet when the assistant United States attorney appeared in court at the hearing, demanding my removal as guardian of this Indian ward whose allotment had been erroneously sold, the only contention made there to the Secretary of the Interior was that I was not a satisfactory guardian and that the court, out of all due respect to the Secretary, should remove me without further evidence. The court took a contrary view, and insisted that the qualification of a guardian was a function purely within his jurisdiction for determination, rather than that of the Secretary of the Interior, 1,700 miles away, and he refused to remove me.

Mr. Scothorn, in his statement to the court when interrogated as to any further reason, said that he had no interest in the matter except that he requested and urged my removal in the interest of the Indian ward, when he well knew that my removal meant the appointment of a friend of Grimes who, of course, would dismiss the action then pending in the United States district court, and that this Indian boy would thereby be deprived of 80 acres of valuable land. The land in question, on the recommendation of Agent Thackery, had been deeded by deed, approved by the Department, to one L. C. Grimes, the Grimes so often mentioned in this record heretofore.

The circumstances, in my opinion, clearly show the attitude of Mr. Scothorn as stated by me in this matter. He had knowledge of the suit and of my purpose. I conversed with him personally in regard to the matter, and it might be proper here to say that it seemed to be the disposition of Thackery and of Scothorn that when the Department had done something, whether erroneous or otherwise, it must stand.

Referring to the testimony of E. W. Sweeney, given on February 12, 1907, it should be observed that Mr. Sweeney had lived across the river from these Indians for years, had helped them times without number in various ways; had fed them during the hard winters, and I have no doubt that had he been given the Johnny Mine allotment he would still have been a loser by all his operations with the Kickapoo Indians.



I am making a few observations of this testimony. On page of the appendix will be found a letter of Mr. Thackery, showing the use which the Kickapoo lease money payments in Mexico were by him intended to serve. Speaking further of that letter, I wish to say that it shows that Mr. Thackery did not intend to make any general payment of lease money, that he had gotten authority from the Department to use these lease funds as a leverage if he wanted to take the testimony of an Indian or induce him to sign a voucher and use that as a leverage. The correspondence is clear on that point.

I call attention to Mr. Thackery's letter of September 7, 1906, in which he assures the Commissioner that Outcalt is blameless. That is on page of the appendix. In this lamentable affair it appears that that was written long after any intelligent man in any way connected with these transactions was convinced of Outcalt's connivance therewith.

I call attention to the letter of Mr. Hitchcock, Secretary of the Interior, written under date of June 5, 1906, to the Secretary of State, page of the appendix, recommending that action of the State Department be taken looking to my transactions in Mexico. I had always supposed it to be the duty of the United States to protect its citizens in foreign countries, and not to prosecute. If they had asked for an extradition no criticism could have been made. In justice to the State Department it should be said that they refused.

The whole line of affidavits procured by Brosius and transmitted were on the theory that the claims were executed by the Indians in the presence of the officer. This is not true, nor does the office practice require it. My statement in connection with the testimony is clear. On pages are found affidavits procured by Brosius and transmitted for investigation by Brosius in 1898. On pages is found the result of an investigation by Brosius in 1898.

On pages is found the result of an investigation by Beede, which discloses something of the methods adopted by my enemies at the beginning of this fight. The total disregard of truth is here disclosed. By my enemies I mean the Indian traders, the land grabbers, and people who have sought to take advantage and impose upon the Indians, where I have defended the Indians against the act, including persons in the Indian Office and the then Indian agent at Shawnee, Lee Patrick.

The statement that Outcalt makes on page is absolutely false, or if he had orders not to talk to Indians, he disobeyed them constantly. He talked with them constantly, and had he sought a real investigation he would have had my help and the help of everyone of my friends—Indians and whites. The statement of Outcalt as to the deeds and contracts in the Border National Bank should be observed, because he was advised both by me personally and by statements in the Congressional Record, that I know he had read, that these instruments were subject to his inspection at any time.

Pages show Thackery's attempt to bolster up Grimes after his record was shown up by Jenkins. Thackery took affidavits at his office for himself, giving Grimes the best of character. As to the drunkenness of Mr. Sweeney, while in Mexico I saw him often myself—probably as often as Outcalt—and I never saw him drunk. As to the drunkenness of Mr. Outcalt, I saw him on two occasions

in a state of intoxication, and on one of which I would use the term that he was very drunk.

The CHAIRMAN. Who was that, Outcalt?

Mr. BENTLEY. Yes, sir; Outcalt. On page I wish to call attention to Outcalt's instructions. There is nothing contained there that in any way authorized his actions or any of them; also Thackery's expense account showing Conine employed by him as interpreter for the time occupied by Grimes. The days are shown.

The CHAIRMAN. What do you mean, "time occupied by Grimes?"

Mr. BENTLEY. I mean Mr. Thackery's expense account shows—

The CHAIRMAN. You mean the time he was employed?

Mr. BENTLEY. Thackery employed him, and Grimes was employing him 30 miles away from there.

The CHAIRMAN. Instead of saying "occupied" say "used" by Grimes.

Mr. BENTLEY. Yes; used by Grimes at that time. Conine and Grimes had been at Barroteran and tried to hold up an Indian who was seeking to come to Eagle Pass, and who later—Grimes, Brown, and Conine—had a mock trial and convicted of murder, and then robbed him of his valuable estate in the United States.

Now, I am ready to be interrogated by Mr. Embry. I do not care at this time to make any further statement, with one bare exception. I think you asked me yesterday if any communication ever passed between myself and Cade, and I was not entirely clear at that time. It is my recollection now that I sent a telegram to Cade from Muzquiz, and that my telegram was in an effort to convince Cade that he had better call Johnson away from there, because the status of things there was such that I knew, or believed, unless the Indians were gotten drunk and deeds were gotten in such manner that they would not be good to anybody who got them, that Johnson would be unable to get a deed. I think I sent a telegram or a letter; my recollection is I sent a telegram. If I did, or it was a letter, that was its purpose.

Mr. EMBRY. During the time of your incumbency as special United States Indian agent at Shawnee, how many times were you investigated by the Department?

Mr. BENTLEY. So far as I know I was investigated by Nessler once. He was the first investigating officer that came.

Mr. EMBRY. Who was the next one?

Mr. BENTLEY. I think he came in secret. I learned from the record since that time. I do not recall seeing him on his second investigation, and the next investigation I recall, I think, was by Taggart—Special Agent Taggart.

Mr. EMBRY. Who was the next one?

Mr. BENTLEY. Then, I think, Mr. Beede, although Beede may have come first. Then, I think, Mr. Zeberly came and stayed there about a week. In fact, he was over the reservation with me a good deal.

Mr. EMBRY. Who else?

Mr. BENTLEY. The last investigation, I think, was by Mr. Beede, a second time.

Mr. EMBRY. Was not Mr. Dickson down there?

Mr. BENTLEY. I never considered that an investigation. He came prowling around there after I went out of office.

The CHAIRMAN. What do you refer to? When he was in office?

Mr. EMBRY. Yes, sir; when he was in office.

Senator CURTIS. I understand that Dickson went down afterwards.

Mr. EMBRY. Dickson made an investigation afterwards.

The CHAIRMAN. You have got these mixed. [To Mr. Bentley]: You were out of office when Nessler's investigation was made?

Mr. BENTLEY. No, sir; it was made in May. All those I have referred to were made while I was in office except the last one by Beede, and the so-called investigation by Dickson, after I was out of the service.

Mr. EMBRY. Now, Dickson made an investigation in Mexico, did he not?

Mr. BENTLEY. Yes, sir; I have a very distinct recollection of that.

Mr. EMBRY. Then, was it the same or another Dickson?

Mr. BENTLEY. I am not referring to Mexico. It is true Dickson came to Mexico in 1905 and made some kind of an investigation. In fact, I took some part in that.

Mr. EMBRY. One of these men's names is spelled "Dickson?"

Mr. BENTLEY. James D. Dickson. One is Charles H. and the other James D. James D. is a special agent who was sent there by the Indian Office to be my principal, and who was sent there to defeat my efforts to put the Kickapoos on their allotments.

Mr. EMBRY. He was sent there at the time you were sent there?

Mr. BENTLEY. I was directed to work under him.

Mr. EMBRY. He made a report?

Mr. BENTLEY. I think the record now shows he did; yes, sir.

Mr. EMBRY. Now, then, Charles H. Dickson, he made one or two reports, did he not?

Mr. BENTLEY. I think the record shows that he did, although I do not recall giving any testimony before Dickson in the United States at any time.

Mr. EMBRY. You remember of his investigation in Mexico?

Mr. BENTLEY. Yes, sir; I have a very distinct recollection of that.

Mr. EMBRY. And you remember that he investigated the Claude Davis contest in Oklahoma?

Mr. BENTLEY. I heard of it, perhaps. I have no distinct recollection of taking any part in it. I do not think I have read his report on it.

Mr. EMBRY. You remember McComas made an investigation of your conduct down there?

Mr. BENTLEY. I do not so understand it. I recollect he made an investigation as to Thackery, but I do not think he investigated me.

Mr. EMBRY. You understood later his report was largely against you?

Mr. BENTLEY. Yes, sir; I found out that he consulted my enemies—

Mr. EMBRY. You understood that McLaughlin investigated you down there?

Mr. BENTLEY. I understood he made some investigation, but I do not know that it referred to me.

Mr. EMBRY. You have afterwards learned it?

Mr. BENTLEY. I have learned it from the committee's papers here that he made some reference to me.

Mr. EMBRY. And the result of a great many of these investigations have been very unfavorable to you, have they not?

Mr. BENTLEY. I desire to state that the investigation made by Nessler was unfavorable to me, but I want to state that every word in his statement is absolutely false.

Mr. EMBRY. And the report made by Mr. Dickson—the first Mr. Dickson—was that Charles H.?

Mr. BENTLEY. Dickson has since told me he was sent there by the Indian Office to thwart my efforts and see that I did not succeed in the thing which the President had appointed me to do, and I would not be surprised, under the circumstances, at anything he might report to the Indian Office. He had to cater to them and report such stuff as they wanted, and no doubt he did so.

Mr. EMBRY. Now, Charles H. Dickson, his reports were very unfavorable, were they not?

Mr. BENTLEY. He came there and called me a falsifier and vilifier, and abused me a great deal. Thackery, an enemy of mine, was appointed on his recommendation, and in view of the enmity he had toward me, unless he was an unusual human being, I would not have expected to meet with favor from him.

Mr. EMBRY. McLaughlin's report was unfavorable to you, was it not?

Mr. BENTLEY. I think perhaps Mr. Thackery ran him against some men I had who were enemies; I think he did. I want to say in fairness to Mr. McLaughlin that everything he said was sincere.

Mr. EMBRY. You are aware of the fact that some of these men were officers and inspectors of experience who would not be easily deceived in matters of that kind?

Mr. BENTLEY. So far as McLaughlin is concerned, if he reported unfavorably or said anything against me, and I think he did, it was done under misapprehension. I have no reflection to cast upon Mr. McLaughlin.

The CHAIRMAN. You remember he said he did not see Mr. Bentley or have any conversation with him.

Mr. EMBRY. Beede's report was favorable to you?

Mr. BENTLEY. Yes, sir. Taggart's report was favorable. He said I was honest and diligent. It should be copied in the record with the report of Mr. Taggart and Mr. Beede. Both of the reports of Mr. Beede and Mr. Taggart clearly contradict the other reports.

Mr. EMBRY. Now, at the time when you were appointed special Indian agent down there were you an employee of the old Choctaw Railway Company?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. As a matter of fact, you were appointed special Indian agent of the Kickapoos at the time when you were in Washington looking after the interests of this railroad company?

Mr. BENTLEY. No, sir; I was not. I was mayor of the city of Shawnee also at that time.

Mr. EMBRY. And there was litigation pending?

Mr. BENTLEY. I was in this city in the interest of the city of Shawnee.

Mr. EMBRY. And the interest of the city of Shawnee was that the railroad company be not obstructed by some injunction proceedings from building through the Kickapoo Reservation?

Mr. BENTLEY. That was perhaps also true. That matter may have been up at that time, but my recollection is it was a year before. In fact, I am quite clear as to that. I have been here a year before in the interest of the Choctaw Railroad, in connection with my employment, seeking to get a right of way through the Indian country there.

Mr. EMBRY. Had they secured the right of way at the time you were appointed agent?

Mr. BENTLEY. I think so. In fact, the track had been laid and the trains were running to Shawnee at that time.

Mr. EMBRY. And had been running through this reservation?

Mr. BENTLEY. And had been running through this reservation; or if they were not, soon after that time the track was laid and the train people came by rail to Shawnee at that time. That is my recollection.

Mr. EMBRY. The trains came there from what direction?

Mr. BENTLEY. From the west. The road had not been completed from the east.

Mr. EMBRY. Do you know what was allowed the Kickapoos for that right of way?

Mr. BENTLEY. I do not think that they have been paid.

Mr. EMBRY. Did you remain in the employ of this railroad since you were appointed agent?

Mr. BENTLEY. No, sir.

Mr. EMBRY. How long did you remain in their employ after you were appointed?

Mr. BENTLEY. I think I resigned before, either just before or as soon as I was appointed. I was not carried on the pay roll a day beyond the time I was appointed special Indian agent.

Mr. EMBRY. At the time you were appointed special Indian agent you were supported in that by the officers of this railroad company?

Mr. BENTLEY. To speak more fully of that, I will say that Mr. Gowan, the president of this railroad, now of Philadelphia, was consulted by me about leaving the employment of the company. I went over to Philadelphia and told him Mr. Cleveland had tendered me this appointment; the Indians were in trouble and conditions were bad, I believed, and I ought to resign and take the Indian position.

Mr. EMBRY. Now, endeavor to refresh your memory and see if you do not recall that injunction proceedings were then pending or threatened on the part of the United States to prevent this company from crossing this reservation.

Mr. BENTLEY. At the time of my appointment, I am certain it was a year before that.

Mr. EMBRY. You are certain it had been disposed of before that time?

Mr. BENTLEY. I am certain it had been disposed of in court, but my recollection is it had crossed the Kickapoo reservation into Shawnee. I am certain of that, because it was in the middle of my term, in July, that the train came to Shawnee. My term of office had expired as mayor of Shawnee.

Senator LA FOLLETTE. Was that the middle of your term as agent?

Mr. BENTLEY. No, sir; the middle of my office as mayor of Shawnee. That was the time the railroad came in, and for a few days after my appointment as special Indian agent I was still mayor of Shawnee, having at the date of my appointment three offices—special agent of the railroad, special agent for the United States, and mayor of Shawnee.

Mr. EMBRY. The right of the railroad to cross the allotment was not disposed of by the supreme court of the Territory for some time?

Mr. BENTLEY. That is a matter I had nothing to do with, except I advised the Indians not to settle with the railroad.

Mr. EMBRY. Did you ever make any efforts to secure for the Indians compensation for this right of way?

Mr. BENTLEY. No, sir; because the lands were worth barely anything at that time. The land was barely selling for \$4 or \$5 an acre. As long as the company was not disposed to pay it, and had raised a technicality about the law, I thought it was better to wait.

Mr. EMBRY. Since your term as Indian agent have you been in the employ of this railroad company?

Mr. BENTLEY. No, sir.

Mr. EMBRY. Who is traffic manager or agent; you?

Mr. BENTLEY. No, sir; in no respect.

Mr. EMBRY. You have no relation with them whatever?

Mr. BENTLEY. No, sir. The old management I had a position under resigned, and the railroad sold out and I never went back to it.

The CHAIRMAN. Did the railroad people have anything to do with securing your appointment?

Mr. BENTLEY. No, sir; nothing in the world; no recommendation, and it took no part whatever. President Cleveland did not require any reference.

The CHAIRMAN. I believe you have stated to the committee the circumstances under which you were appointed?

Mr. BENTLEY. Yes, sir; in the beginning of my statement.

Mr. EMBRY. Now, at the time of your incumbency as agent did you encourage these Kickapoos to think that if they learned to farm they would then be in a better position to go to Mexico?

Mr. BENTLEY. In this way, I encouraged the Indian to believe that if he learned how to make a living and how to make money that it would make him independent and go where he pleased. If he wanted to go there and visit he could do so, and later on if conditions became intolerable he would be in a better position to go home.

Mr. EMBRY. You understand from your experience in Mexico he would have a better time if he returned?

Mr. BENTLEY. Yes, sir; I helped them often to make visits down there to their relations.

Mr. EMBRY. You understood that this inducement of self-help that you held out to them would be encouragement; in fact they thought they would have the privilege of returning to Mexico?

Mr. BENTLEY. Not with the idea of returning permanently. I want to say, in the instance of one Indian, the most progressive of all of them, one who planted an orchard and opened a farm, that he made two trips to Mexico during my incumbency of the office and returned and remained contentedly on his farm until I got out of

office and until he died, and he had no intention of going to Mexico permanently, so long as conditions remained, if he could live in peace in Oklahoma.

Mr. EMBRY. Have you encouraged any of these Indians to go to Mexico?

Mr. BENTLEY. No, sir.

Mr. EMBRY. Have you been down there and made any speech to them?

Mr. BENTLEY. I should like, in answer to that, to read from my last annual report, if the committee will permit me.

The CHAIRMAN. Certainly.

Mr. EMBRY. What is the date of that?

Mr. BENTLEY (reading):

*Report of special agent in charge of Shawnee and Mexican Kickapoo.*

MEXICAN KICKAPOO AGENCY,

*Shawnee, Okla., August 24, 1901.*

*Big Jim's band.*—This band of absentee Shawnees are not in a condition to be placed in ordinary hands. They should have the careful supervision of an honest, capable, and experienced special agent for at least a year before they will be in any condition to be placed under a general supervision. Big Jim, the principal chief of this band (a grandson of Tecumseh), lived and doubtless died in the firm hope that his people would escape from the jurisdiction of the United States and establish themselves in a republic in Mexico, under laws more suitable for their perpetuation as a distinct people. During the month of August, 1900, while on a visit to President Diaz, he was stricken with small-pox and died in Mexico. His only surviving son, To-mo, has succeeded him as chief of the Shawnees, and seems as determined as his father to remove his people to Mexico. They are fractional on the Mexican emigration proposition, and the majority are inclined to remain and make the best of their conditions and surroundings here, while the minority are as persistent as ever, and I apprehend that some eighteen or twenty will start overland on a pilgrimage to Mexico soon. I believe that their migration would be in the interest of those remaining. Here they are only idlers and agitators, and keep the entire band in a state of agitation.

The white people surrounding the reservation have lately caused reports to be circulated among them that their children are to be forcibly placed in school, and I recommend that the matter of placing the children of this band in school be delayed for a few months to enable the Indians to become reconciled to the new administration.

As to the condition of the Kickapoos when I took charge of them, I wish to now quote another paragraph from the report referred to, which reads in part relating to the Kickapoos:

In the spring of 1896, when I assumed charge of them, I found them in poverty and distress, living 10 miles from the land that had been allotted to them, which they were determinedly opposed to accepting. They had no idea of labor, and were opposed to anything and everything which the Government might propose with homes or fields, and utterly devoid of agricultural knowledge. I will leave them in comfortable houses, with large fields and bearing orchards and well equipped with modern agricultural implements, and I commend them to my successor.

Mr. EMBRY. How many belong to that band at the present?

The CHAIRMAN. You mean at that time?

Mr. EMBRY. No; the present time.

Mr. BENTLEY. At that time, 184. Since then a great many have died. Of the three hundred and some allotted there, in ten years more than half of them have died.

Mr. EMBRY. I am talking about these which have been referred to as Big Jim's band?

Mr. BENTLEY. I do not think there are to exceed at this time 100.

Mr. EMBRY. Where do they reside now, in Pottawatomie County?

Mr. BENTLEY. Yes, sir; and Cleveland County.

Mr. EMBRY. Have you, since you were agent, been down there and made talks to them about going to Mexico?

Mr. BENTLEY. No, sir.

Mr. EMBRY. You heard the testimony of Snakeman down there, whom John Snake interpreted for. The question was asked his father, who wanted to know whether you were their agent or Mr. Thackery was their agent.

Mr. BENTLEY. Yes, sir; over some litigation about this murder trial. I passed through there going to Norman, on the Shawnee Reservation, and gathered up some witnesses, and my recollection is I stayed there all night. On another occasion I made a very hurried trip over there and got dinner. I think Mr. Field was with me at the time, hunting some witnesses in some probate case. I think we left Shawnee in the morning and returned at night. That is the only time I have any recollection of. I have not been with them for two years.

Mr. EMBRY. Have you encouraged them to believe that you were their agent and Mr. Thackery was not?

Mr. BENTLEY. No, sir; on the contrary, I told the Shawnees they were citizens of the United States and had a right to go wherever they pleased and had a right to employ anybody they pleased, and, so far as their employment outside of the agency was concerned, I have a right to represent them and had a right to represent them.

Mr. EMBRY. You say you have continued to represent them in what capacity?

Mr. BENTLEY. When they were arrested, as they often were, for murder or some unjust charge, and they were put in prison—Mr. Thackery has had them in prison sometimes, when they would not testify to suit him—I have gone over to Tecumseh and bonded them out and helped them to get out. At one time he had some of them chained to a tree all night in his endeavor to get the Indians to testify that my boy had given them whisky when he had not. I defended them against all kinds of impositions continually.

Mr. EMBRY. Have you ever taken up the project of their going to Mexico?

Mr. BENTLEY. I have talked to them a great deal about it; yes, sir.

Mr. EMBRY. What did you say to them about it?

Mr. BENTLEY. I have invariably stated to them that if they could not and would not be reconciled here, and the lands down there were become of such a character that they could not make a living on them, that I would help to find them a good place. I will say in this connection that they were allotted the most inferior lands in the Territory of Oklahoma. These Indians settled in the neighborhood where their present allotments are. They believed the land was so inferior that the Government would never allot them there. The white homesteaders came in and plowed up the inferior sandhill uplands, and the waters from the hills carried the sand into the valleys and filled up the channels and overflowed everything. I think they are in a condition where they ought to be encouraged to go somewhere where they can make a living.



Mr. EMBRY. These Shawnees are reasonably industrious Indians, are they not?

Mr. BENTLEY. The Shawnee Indians, as shown by the records, were at the time of the outbreak of the civil war the richest Indians in this country by their own efforts.

Mr. EMBRY. As to their present habits down there. Are they not industrious?

Mr. BENTLEY. A few of them are, and a few of them are discouraged and have nothing. Their crops drowned out year after year.

Mr. EMBRY. Discouraged in what way?

Mr. BENTLEY. Their lands will not raise crops, and they are dissatisfied with Mr. Thackery. He gives them no encouragement. They are all my friends, and when they go to Mr. Thackery, he says, "Go to Bentley; he is your friend."

Mr. EMBRY. In what way does Thackery not give them encouragement, if you know?

Mr. BENTLEY. Those that are friendly to me, the blacksmith, for instance, does not do work for them, and they ask such aid as Mr. Thackery is entitled to give them, so they advise me.

Mr. EMBRY. You do not know that from your own knowledge, but only from the statements of the Indians?

Mr. BENTLEY. They tell me that. I have only their statements.

Mr. EMBRY. How many of them are there?

Mr. BENTLEY. Perhaps I have not conversed with more than a dozen of them in relation to that. That is, they come to me.

Mr. EMBRY. What are their names?

Mr. BENTLEY. Joe Hill, Charlie White, John Pecan, and Bill White, Collin Panther, Billy Panther, and a fellow they call "Bootjack." There are probably others that I could recall. Those that speak English come and talk very freely about it. I want to say further that there is a reason, and in justice to Mr. Thackery—

Mr. EMBRY. I want you to explain that. I want to get the facts about it.

Mr. BENTLEY. I am speaking frankly, so far as I have an opportunity. When Mr. Thackery was in the school service over at Anadarko—in the school service—it seems he tried to force the children of Tom Mack to go to school. They did not belong over there. They were Shawnees, who were temporarily over there. Mack had a large family of some four or five boys. Thackery got them. They rebelled and he put them in jail. They were taken down with measles, had caught cold while in jail, and all of them died. Mr. Thackery came to be agent there under very unfavorable circumstances.

Mr. EMBRY. It was an easy matter to prejudice the Indians against Mr. Thackery when he came there?

Mr. BENTLEY. No, sir; every Shawnee looked upon Mr. Thackery as being responsible for the death of that family.

Mr. EMBRY. That was during his office over at Anadarko?

Mr. BENTLEY. Yes, sir. The Shawnees were always prejudiced against Mr. Thackery.

Mr. EMBRY. Did you suggest to them in any manner that he was a schoolman and would put their children in school?

Mr. BENTLEY. It was just an overzealous effort on his part to put them to school over there. They were Indians from another reserva-

tion, and putting those children in school had resulted in the death of five of them.

Mr. EMBRY. After Mr. Thackery came to Shawnee they complained of his conduct at Anadarko. You were not in a position to testify as to his conduct at Anadarko?

Mr. BENTLEY. I do not see how I could have defended him.

Mr. EMBRY. He had a right to put the children over there in school, had he not?

Mr. BENTLEY. Not from another reservation. I apprehend that while in the employ of the school service, when he sought by force to put the Indians in prison who belonged in another jurisdiction, he was far exceeding his authority.

Mr. EMBRY. Do you know to what extent he used force in putting those Indians in school?

Mr. BENTLEY. Just simply as the Indians told me.

Mr. EMBRY. It was only a rumor among the Indians?

Mr. BENTLEY. Their father told me. I believe at last he put the children in the Anadarko jail, and they died soon afterwards from cold contracted there in the jail, complicated with measles.

Mr. EMBRY. You never went to any trouble to advise these Indians that there had been a change in the agency, and they could get along with Mr. Thackery as best they could, and they should respect him as such?

Mr. BENTLEY. I refer you to this my last annual report, that they regarded the school matter as very touchy, and when he came there as agent and tried to force them into the school they would be afraid of him. I recommended that that matter be deferred for a time and let them get reconciled.

(Mr. Embry then handed the witness some papers.)

Mr. EMBRY. I wish you would read those papers.

Mr. BENTLEY. Do you wish me to read all of these papers?

Mr. EMBRY. I handed them to you to refresh your memory, after reading them. That is all.

Mr. BENTLEY. I would be very glad to testify about this matter.

Mr. EMBRY. Now, at the time you were agent of the Shawnees, Leonard A. Hampton filed this application for the cancellation of a double allotment.

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. The Indians Ah-ne-sho-peah and Nah-ne-sho-pe had been given two allotments?

Mr. BENTLEY. Yes, sir; a double or erroneous allotment.

Mr. EMBRY. After this contest was instituted it developed from your examination that these two names were the name of the same Indian?

Mr. BENTLEY. No, sir; it developed that there was an Indian by the name of Nah-ne-she-pe and there never was an Indian by the first name of Ah-ne-sho-peah, and the presumption was that they had allotted the Indian Nah-ne-sho-pe twice.

Mr. EMBRY. You recommended the allotment of Ah-ne-sho-peah for cancellation?

Mr. BENTLEY. Yes, sir; the Indian who never was.

Mr. EMBRY. And the retention of the allotment of Nah-ne-sho-pe?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Everest was attorney for Hampton?

Mr. BENTLEY. Yes, sir; I think so.

Mr. EMBRY. And Howe, of this city, was also his attorney?

Mr. BENTLEY. Yes, sir; he had two attorneys, one in Washington and the other in Oklahoma.

Mr. EMBRY. At the time of the hearing before you and after notice to Everest neither Everest nor Hampton appeared, did they?

Mr. BENTLEY. It is my recollection that they did not, but I am not certain as to that.

Mr. EMBRY. You made the entire examination yourself?

Mr. BENTLEY. I recollect calling a large number of the Indians before me and interrogating them and taking their testimony relative to it; yes, sir.

Mr. EMBRY. Is one of these allotments the one to which Joe Clark referred in his testimony when he said that he and another party at your suggestion went out and built a dugout?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Is this the allotment which was shown to Perry Rodkey?

Mr. BENTLEY. Yes, sir; the same one.

Mr. EMBRY. Before your hearing, and recommending the cancellation of this allotment, you entered into a contract with the contestant, Hampton, that upon the cancellation of the allotment, and his securing his homestead filing on one of these tracts, he would pay to Ives \$500?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. That is shown by the record here?

Mr. BENTLEY. Yes, sir; that is correct.

Mr. EMBRY. Now, you went out of office before Hampton secured his filing on this tract of land, did you not?

Mr. BENTLEY. He never secured any filing on the land.

Mr. EMBRY. You understand that after Thackery became agent this matter was referred back to him for reinvestigation?

Mr. BENTLEY. Yes, sir: I understand for reinvestigation, and that he controverted the fact; that he had the wrong cancellation and it was otherwise disposed of.

Mr. EMBRY. You understand that Mr. Thackery upon his investigation found there was no such Indian as Nah-ne-sho-pe, but that as the allotment awarded to that name was the better of the two, it should be given to the heir of Ah-ne-sho-peah, do you?

Mr. BENTLEY. Yes, sir; and I probably can assign a reason for it. That Indian had owed for a long time the trader over at the store, and the trader had a man to buy the land, and it was arranged to pay the trader what the Indian owed him.

Mr. EMBRY. You understand it to be a fact that Mr. Thackery concluded that the allotment set apart for Nah-ne-sho-pe was the better of the two?

Mr. BENTLEY. I do not know as to that.

Mr. EMBRY. And that he recommended that that allotment be given to the heir of Ah-ne-sho-peah?

Mr. BENTLEY. I hardly suppose that would be the conclusion, from the fact that one is bottom land and the other high, rolling land, with a gully running through it; and if he did so report, I am surprised that he did.

Mr. EMBRY. What advantage would it give to the trader if the heir of Ah-ne-sho-peah was given one or the other of those lands?

Mr. BENTLEY. I think Mr. Thackery attempted to discredit me. He thought he would give me the credit of showing I had falsely reported the matter, showing to the Department that there was no such person as Nah-ne-sho-pe, when he claimed to discover that I was in error, and of course the Indian who owed the trader, and to whom the dicker was made, was permitted to heir the land. I think Hampton was very eager to buy it, and I think he knew of the location it had and the peculiar conditions surrounding it, which would enable it to sell more readily.

Mr. EMBRY. This heir could have sold either tract?

Mr. BENTLEY. Yes, sir. Hampton was a large lessor of Indian land. He wanted to buy land on which he could erect his improvements that belonged to him; and had the value of the bottom land and the hill land been equal, he would have given more for the hill land for the purpose for which he wanted it.

Mr. EMBRY. Your supposition is that Mr. Thackery should give to the Indian heir that allotment which would sell most readily and for the most money under the circumstances. You think he was induced to that that he might aid that Indian trader instead of benefiting the heir?

Mr. BENTLEY. This Quen-nep-po-thot, whose land was sold, was very heavily in debt to the trader, and he wanted to see the trader paid.

Mr. EMBRY. If it was in the power of the law for him to do it, do you not think it was proper for the agent to recommend that this heir should sell the one which would pay the most?

Mr. BENTLEY. I think the proper thing would have been to follow the law. If there had not been any Indian of that name, the land would have been canceled and the allotment that did belong to Ah-ne-sho-peah should have been retained. That allotment never belonged to anybody except the Government.

Mr. EMBRY. Your contention was that it should be canceled and Hampton should be permitted to file?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Now, when Mr. Thackery recommended that the land be given to the heir, he recommended that the other allotment be given to a Kickapoo, did he not?

Mr. BENTLEY. Yes, sir; I think so. The object of putting the dugout on that land was to induce an Indian to locate on it. I tried to locate an Indian on the up-hill piece, and he was afraid if he got on that piece of land the white people would drive him off, and he did not dare to locate.

Mr. EMBRY. The double allotment was allotted to Pequa, was it not?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Pequa had not received an allotment before that time, had he?

Mr. BENTLEY. No, sir; he was an Indian that had been left out, as were numerous others.

Mr. EMBRY. Pequa's allotment was reserved to him by Frank Thackery changing the rule you had instituted in regard to this contest?

Mr. BENTLEY. Yes, sir. I had a conference with Larrabee, and he said there was no law for that. I was here often. There were 30 Indians who had no land who were left out.

Mr. EMBRY. You know it was done later?

Mr. BENTLEY. Yes, sir; but they would not do it for me.

Mr. EMBRY. Did you recommend that the Indian Office do it for you?

Mr. BENTLEY. I do not know that I did in writing. I took it up with the Indian Office. The Department has reversed itself so often in such matters that one does not know what to look for.

Mr. EMBRY. This letter, dated "Shawnee, Okla., 3-3-1902," signed "M. J. Bentley," is your letter?

Mr. BENTLEY (after examining paper). Yes, sir; that is my signature.

Mr. EMBRY. That was after you went out of office?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. I will read it to you, and then ask you a question about it:

LEONARD A. HAMPTON, *Dale, Okla.*

DEAR SIR: Replying to yours of the 22d ultimo, I have to advise you that you need not give the claim of the Indians serious consideration, though you should keep me advised of any new phase in the matter. It is my judgment that all you need do is to stand pat. I shall leave here for Washington some time this week, and expect while there to terminate this matter.

After you went out of office, and after Thackery was endeavoring to secure this land for another worthy Kickapoo, or one of the allotments for another worthy Kickapoo, you still aided and encouraged the contest of Hampton, did you not?

Mr. BENTLEY. I do not think I have any knowledge of it. My recollection is I had no knowledge of Thackery's effort to secure the land for another Kickapoo.

Mr. EMBRY. You do not think you did?

Mr. BENTLEY. No, sir; that is my recollection. If I did have, I would think he was attempting to do a thing that the law did not provide for, after I had done the same thing myself and failed by the same authorities.

Mr. EMBRY. After Thackery secured the order that this double allotment be allotted to Pequa, and the other allotment be given to the heir of Ah-ne-sho-peah, it was then that you took down this certified check for \$500. was it not?

Mr. BENTLEY. My recollection is that Hampton came to me and said that his money was laying there doing no good, and he could not draw it down unless I indorsed with him. I very cheerfully went and indorsed, so that he could take down his money. I did not get a penny of it.

Mr. EMBRY. Later along the heir of Ah-ne-sho-peah sold the allotment which Hampton was seeking to get.

Mr. BENTLEY. And which he had no right to.

Mr. EMBRY. But he sold that allotment which Hampton was seeking to get.

Mr. BENTLEY. Mr. Thackery was permitted to sell the allotment of a person who never existed. He never had a title to it. Hampton has not a title to it. That is a piece of jumbling or monkey business that I would not stand for and which would not stand in any court.

Mr. EMBRY. Later on this allotment that Hampton was to have by paying you \$500 was sold by the heir of Ah-ne-sho-peah for \$1,800.

Mr. BENTLEY. I do not know what it sold for. If it sold for \$1,800, it was worth that.

Mr. EMBRY. And the other of the double allotments was given to Pequa?

Mr. BENTLEY. Yes, sir; that is my understanding.

Mr. EMBRY. Is that one of the reasons you refer to the fact of breaking Thackery's neck—that \$500?

Mr. BENTLEY. No, sir; no part of that \$500 was mine. I had no personal grievance over that. I thought it was unjust that all of the Indians should not have any benefit out of that land rather than one individual should get it who had no right to it.

Mr. EMBRY. The other Indians never received any allotment, and Pequa was a worthy Indian.

Mr. BENTLEY. Pequa was all right, but Quen-nep-po-thot, who was allowed to sell the allotment, was never the husband of any such woman. More than that, there was no such woman. He was permitted to sell the land of this dead lady who had been dead some time.

Mr. EMBRY. That was controverted.

Mr. BENTLEY. Yes, sir; they would sit down at the agency and write an affidavit and induce an Indian to sign it, and it was by such process, I think, the facts were controverted and not by any fair means.

Mr. EMBRY. What other person was allotted on this piece?

Mr. BENTLEY. There was no other person.

Mr. EMBRY. You say Nah-ne-sho-pe never had any heir.

Mr. BENTLEY. No, sir; any Kickapoo Indian will tell you that. They will tell you there was no name in the Kickapoo tribe such as that.

Mr. EMBRY. Did you not make some effort or show some effort to substantiate that in court?

Mr. BENTLEY. Mr. Thackery took the matter into court, and I did not think there was any such person. I can verify my statement by every Kickapoo in the tribe—that there was no such name in the tribe as that of Ah-ne-sho-peah.

Mr. EMBRY. Did not you and Howe and Everest, as attorneys, look into this matter and do what you could to secure for Hampton this allotment? Did you neglect any rights he had?

Mr. BENTLEY. I did all I could to help him get it.

Mr. EMBRY. If there was any defect in this heirship business, why did you not apply to a court to rectify it?

Mr. BENTLEY. It appeared on the face of it, so far as the probate proceedings were concerned. It was during my absence in Mexico. If I had been there, I would have opposed it. It was claimed by somebody the land did not belong to.

Mr. EMBRY. Now, at Shawnee, I think it was, I asked Mr. Rodkey about the part Charles H. Dickson—

Mr. BENTLEY. Just a moment, please; this man Quen-nep-po-thot to whom Mr. Thackery had kindly heired a piece of land that did not belong to him, I think the record shows, has sold the land of five different women, having been his wives at some time. The testimony will show that his first wife, whom he took thirty years ago, he has had continually all the time and as her husband has up to the present

time been going outside and getting other women, and when they died claiming them as his wives. I will say this about Quen-nep-po-thot, that he will swear to anything Mr. Thackery puts to him.

Mr. EMBRY. Mr. Thackery is not responsible for the number of times an Indian marries, or his relationship, or the person who is his heir.

Mr. BENTLEY. I think Mr. Thackery knows he has the first wife yet he ever took; that he has been living with her continually for thirty years, and she permits him to heir the land to get the benefit of it. I think Mr. Thackery knows that.

Mr. EMBRY. Is it not a fact that this proof that Mr. Thackery takes comes up to the Department and is considered in the regular way?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. And they are not determined to be heirs until the Department consults that proof and determines it?

Mr. BENTLEY. When an Indian comes in Mr. Thackery gets him to touch the pen and that is very unreliable.

Mr. EMBRY. Do you wish to state in any particular as to where Mr. Thackery has turned in any papers of false heirships?

Mr. BENTLEY. There is not a line in the record that he has not turned in but what is false.

Mr. EMBRY. Do you want to state any particulars where he has turned in any false affidavit?

Mr. BENTLEY. I will say in this instance that Mr. Thackery had full knowledge of the facts, and it is my opinion that every word is contrary to the facts.

Mr. EMBRY. That is your opinion. Do you know anything about the facts?

Mr. BENTLEY. I know Quen-nep-po-thot's wife. I believe I have more knowledge of the Kickapoos and their relationship than anybody else.

Mr. EMBRY. As to the report of Charles H. Dickson, supervisor, dated Anadarko, May 30, 1905—

The CHAIRMAN. That is already in the record.

Mr. EMBRY. No, I do not believe this is. I think it is a former report of Dickson's that is in the record.

The CHAIRMAN. I did not know there were two.

Mr. EMBRY. I now offer that report in evidence.

Senator LA FOLLETTE. Are you offering that for any purpose or with respect to any part of the record to which the witness's attention has been called? If you are I think you ought to call his attention to it.

Mr. EMBRY. I furnished him the record.

Senator LA FOLLETTE. Well, he looked it over hastily. He did not stop to read the whole of it.

Senator CURTIS. Let him submit it and, in the meantime, let Mr. Bentley look it over, and if he wants to make any explanation permit him to make it.

The CHAIRMAN. Do not put in anything that has no reference to this investigation.

Mr. EMBRY. You can of course examine it and determine whether anything in it is or is not correct or proper. If you think it is proper, you can put it in, even if I do not. We do not want to put in a lot of stuff here and encumber the record so that no one will ever read it.

Senator LA FOLLETTE. It seems to me like a voluminous record now.

The CHAIRMAN. Look over it, and anything you wish to call his attention to, do so specifically, and then you can ask to have it put in the record.

Mr. BENTLEY. I want to say it has no relation whatever to the general subject under consideration, but I am perfectly willing it shall be put in the appendix of this record. I have no objection to that.

The CHAIRMAN. This first letter here—you asked specifically for one letter here, did you not?

Mr. EMBRY. I called his attention to one of them.

The CHAIRMAN. Is that the first one?

Mr. EMBRY. I called his attention specifically to that. I will call his attention to the record particularly, and any explanation he has to make he can make. Mr. Bentley, I desire to call your attention to the application of Leonard A. Hampton to contest this law sworn to July 3, 1901, shown on the page of the record. Can you state anything in regard to that?

Mr. BENTLEY. I will have to examine the record first.

The CHAIRMAN. I will suggest, if you can, that you take up something else and let him go back to that.

Mr. EMBRY. I thought it was best to let him examine the record and make any explanations desired. There is an outline. I ask you all those questions [handing witness a paper].

Senator CURTIS. Let him take them and put them in his pocket, so that he can read them over and take time to answer them.

The CHAIRMAN. Do you want him to answer them now?

Mr. EMBRY. He can do that some time this afternoon.

I refer to the report of Charles H. Dickson, and Mr. Rodkey, at Shawnee, was asked this question to explain what he knew of this part of Dickson's report. I will read it now, and you can make any explanation you desire:

With reference to this contest, it is proper to state that Mr. William Davis, of Oklahoma City, Okla., the father of Miss Claude Davis, contestant, came to me at Shawnee Agency, Okla., and made a verbal statement, in substance as follows:

He said that while Martin J. Bentley was yet agent for the Shawnees he (Bentley) came to him and informed him that he could obtain the cancellation of allotment No. 25 (Wa-pa-na-kes-ka-ka's), and advised him to go and see a certain attorney (Perry Rodkey) in Shawnee and make the necessary arrangements (for payment thereof).

This arrangement was that he was to deposit \$1,000 in the Oklahoma National Bank to be paid out when he, Davis, should obtain a filing on this land by the cancellation of the said allotment. In accordance with this arrangement, and with the view of obtaining the cancellation of allotment No. 25 by the said Bentley, and through his efforts, he, Davis, did deposit the said amount in the said bank, which amount was to be paid to the nominee of the said Bentley, when he should be able to obtain a filing on said land, and when the said allotment should be canceled. When I questioned Mr. Davis as to whether the said deposit was made in favor of Bentley, he replied, "Oh! no," but Mr. Rodkey was only a go-between; that Bentley being agent it would not do to have his name appear. He further stated that he believed Bentley to be a rascal and that no reputable person would trust him. A part of the foregoing conversation took place in the presence of Superintendent Thackery.

Now, what have you to say to that?

Mr. BENTLEY. I have no recollection of that at all.

Senator CURTIS. Did you demand \$1,000 from this man?

Mr. BENTLEY. I never did.



Senator CURTIS. Did you have anything to do with the cancellation of it?

Mr. BENTLEY. Nothing in the world except some years before, while acting as special agent of the Government, I was detailed to find the mother of this boy, and the boy and I made a very extensive tour into Mexico and Texas and finally found their graves in Texas and found they were dead before they were allotted. That is all I had to do with it. Numerous persons came to the Indian office and asked if this was a crooked allotment and consulted the record, as they had a right to do, from time to time. As to my making any arrangements with Davis, I have no recollection of ever having any conversation with Davis in any way in reference to this until long after I was out of the service.

Senator CURTIS. After you were out of the service did you ask him to put up \$1,000?

Mr. BENTLEY. No, sir.

Senator CURTIS. Or any other sum of money?

Mr. BENTLEY. No, sir.

Senator CURTIS. What did you say?

Mr. BENTLEY. After I went out of the service Mr. Thackery put this land up and advertised it for sale, and as attorney for Davis, or rather Claude Davis I believe it was, some contestant for the land, I went to San Antonio, Tex., and took the deposition of the Mexican husband of the mother of this allottee's father, which I did as attorney and for which I was paid.

Senator CURTIS. How much were you paid?

Mr. BENTLEY. I think Davis paid me \$50 for going down there, Claude Davis rather. In my previous investigation for the Government I had located and knew where these witnesses lived, and was in a position to readily get their testimony, and Davis gave me \$50.

Senator CURTIS. Did you have any agreement with him as to a contingent fee?

Mr. BENTLEY. No, sir. My understanding was that some of his family were contesting the land. The only fee he gave me was to go down and take this testimony.

Senator CURTIS. That was after your term as agent had expired?

Mr. BENTLEY. Long after, yes, sir.

The CHAIRMAN. Then you deny the statement he makes about the thousand dollars?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. He does not say he made that with you, does he, Mr. Embry?

Mr. EMBRY. Yes; he said with Bentley, but to be paid to Rodkey.

Mr. BENTLEY. If any such contract was ever made—

The CHAIRMAN. Mr. Rodkey denied that.

Mr. EMBRY. Yes, sir; he said he had no knowledge of any such arrangement.

Mr. BENTLEY. If such a contract had been made, is it not available?

Mr. EMBRY. I do not know. I have been trying to get a verification of it.

Mr. BENTLEY. I would be glad to know if Mr. Rodkey made such a contract. He never advised me.

Senator LA FOLLETTE. Has the testimony of Rodkey been taken?

The CHAIRMAN. Yes; but he had no knowledge of any such arrangement.

Mr. EMBRY. Was an arrangement made with the Oklahoma National Bank about that at that time?

Mr. BENTLEY. No, sir. As to Mr. Dickson, I want to say that his testimony, already in the record, is shown to be so wholly malicious and unreliable that I did not think that anything he might say that anybody told him would be worthy of the slightest consideration. I can show in this record dozens and dozens of times where he has willfully falsified to the Department.

Mr. EMBRY. I offer this record in evidence for that purpose.

Mr. BENTLEY. Mr. Dickson, as portraying the character of the man, he induced an Indian boy and took him from the train and took him to his hotel and prepared a letter to my wife on the typewriter, telling her I had an Indian wife in Mexico. Dickson put in an envelope, stamped it, and deposited it in the post-office at Muzquiz, Mexico. That is the character of this man Dickson. There is a suit for libel pending against him and Thackery by me.

Mr. EMBRY. The exhibits you gave me relate to moneys received and returned to the Indians?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Have you an additional account as to moneys which you may have expended for them?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Or charges against them?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Have you made your statement as to that?

Mr. BENTLEY. I have not in detail. I have it in general. I have not each item, each exact item, with me, but I have the general footings. I have, for instance, the \$13,000 paid to the Indians. I think each Indian's account is in a separate envelope of that particular fund.

Mr. EMBRY. Which fund is that—the \$13,000 paid to the Indians?

Mr. BENTLEY. That is the amount of money advanced by me to these Indians from whom I have taken deeds.

Mr. EMBRY. That is deed money you have paid on these trust deeds?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. How many deeds did that include?

Mr. BENTLEY. I would be unable to say. The payments ran from \$100, perhaps, to \$1,300 or \$1,400.

Mr. EMBRY. Will you examine, so as to be able to state, when you resume your examination after recess, in what case or cases you paid more than \$100?

Mr. BENTLEY. I think I can do so. I have some before me for which were paid \$515 each.

Mr. EMBRY. Now, \$13,000 for deeds. What other moneys have you paid for the Indians or charged against them? Give us an outline of what it is, and then you can find it this afternoon.

Mr. BENTLEY (after searching among papers). I thought I had it here, but I do not find it.

Mr. EMBRY. Let me ask you some questions about this account.

Mr. BENTLEY. I wish to say before this matter is passed or overlooked, that the Thackery Exhibit No. 168, showing the account of 108 Indians, the amount paid them at Shawnee, through the agency, and at Eagle Pass, Tex., through the Border National Bank, shows by the agent's record that \$146,810.12 was so disbursed. That of the 108 Indians only a very small number ever gave me any of their money; that the schedule I submit with Thackery Exhibit No. 168, as an appendix to that exhibit, contains four columns of figures. Taking the exhibit from page 1 to the last page, it gives the number of the allottee, so as to identify him with the allotment roll. The first column gives the total paid to him by the agent at Eagle Pass or Shawnee; the second column shows the amount paid to me; the third column, the amount returned by me, and the fourth column the amount contributed by the Indian to what we call a general fund. The totals of the general item of money paid, as shown by this schedule, including money paid to guardians at Shawnee, are \$175,951.02. The total amount of money of those funds received by me from the Indians so paid is \$31,400. The amount returned by me, or repaid to said Indians, is \$27,391.40. The amount contributed from the Thackery Exhibit No. 168 account to the general fund is shown to be \$4,059.91.

At this point the committee took a recess until 2 o'clock p. m.

#### AFTER RECESS.

The committee reassembled at 2 o'clock p. m.

MARTIN J. BENTLEY recalled for further examination.

Mr. BENTLEY. Mr. Chairman, I present the abstract of general account, as follows:

#### *Kickapoo land fund.*

Received of W. W. Ives, sale Okema land	\$15,000.00
Received of W. W. Ives, sale Johnny Mine	1,250.00
Received of W. W. Ives, sale Noten	2,900.00
Received of Border National Bank	6,000.00
Received of mortgages on land	8,000.00
Received of various Indians, general fund	4,059.91
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Paid to 42 Indians on deeds	13,000.00
Paid to San Francisco ranch	10,750.00
Paid to attorney fee and expenses on title	200.00
Paid to improvements	400.00
Paid to taxes	550.00
Paid to farmer and expenses	340.00
Paid to seed and implements	125.00
Paid to survey, etc	50.00
Paid to inspection of lands in Durango, Coahuila, Sinaloa, Chihuahua, etc	2,375.00
Paid to Clark's expenses to and from Mexico, cash paid him, including Big Bend expedition	400.00
Paid to attorney fees in defense criminal suits against self and Indians	2,185.00
Paid to getting Indians to and from court	500.00
Paid to personal expenses of same	2,400.00
Paid to expenses 5 trips of delegation to Mexico	2,100.00
Paid to expenses 6 trips of delegation to Washington	3,200.00
Paid to rents	450.00
Paid to fines	150.00

Paid to pasture.....	\$400. 00
Paid to moving to Sonora.....	2, 800. 00
Paid to Indians during Grimes raid.....	1, 500. 00
Paid to expenses same.....	500. 00
Paid to clerk.....	400. 00
Paid to notary.....	100. 00
Paid to interest.....	1, 385. 00
	<hr/>
	45, 260. 00
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Mr. EMBRY. You made some statement yesterday about an investment in the Indian Territory. Was that while you and Clark were partners?

Mr. BENTLEY. It was while Clark and I were in the immigration office, connected with the same immigration office; yes, sir.

Mr. EMBRY. What was the nature of the investment?

Mr. BENTLEY. The investment I made over there was the purchase of half a section of land.

Mr. EMBRY. With what funds did you purchase the half section of land?

Mr. BENTLEY. My recollection is that that land was bought with funds principally that I had borrowed from Mary Panetho and Wah-che-kah.

Mr. EMBRY. When did you buy that land?

Mr. BENTLEY. I think it was sometime in August, 1904—July or August.

Mr. EMBRY. You borrowed \$7,000 from Mary Panetho, did you not?

Mr. BENTLEY. Yes, sir. I now owe her \$1,990 of that original \$7,000.

Mr. EMBRY. You gave a note for it?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. That was payable in six months?

Mr. BENTLEY. I do not recall the time it was payable, but she was induced to sue me on that note, and I saw the note in the record. I gave other notes in lieu of that and paid them as they matured.

Mr. EMBRY. She sued you after the maturity of the note?

Mr. BENTLEY. I do not know whether it had matured or not. I know she did not want her money. She dismissed the suit.

Mr. EMBRY. She dismissed the suit?

Mr. BENTLEY. Yes, sir. In fact, she really did not know what she had done until I explained to her that she had sued me. She seemed very much surprised and wanted to know whether she could get out of it.

Mr. EMBRY. Who was her attorney that brought that suit?

Mr. BENTLEY. J. H. Wood.

Mr. EMBRY. He is a reputable attorney in Shawnee, is he not?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Do you think he would bring a suit for a client who did not know what she was doing?

Mr. BENTLEY. This woman is uneducated. She does not speak any English. I think the suit was brought on the part of her husband, who was trying to get the money to squander it.

Mr. EMBRY. As a matter of fact, you know the note had matured when suit was brought?

Mr. BENTLEY. I do not recollect about the date of that note. My recollection is that she did not want her money.

Mr. EMBRY. Why do you think that Mr. Thackery encouraged that suit unduly?

Mr. BENTLEY. She said Mr. Thackery wanted her to go up and fix up some papers. She did not know what they were, but she signed them. He took her there to Mr. Wood's office.

Mr. EMBRY. Did you deem there was any impropriety in the Indian agent looking generally to the welfare of those Indians to recover suit where the note had passed due?

Mr. BENTLEY. I think it was improper on the part of the agent where a woman who could not speak English, who was married to a worthless Indian who could speak English, to put the money in his hands so that he could squander it. It is the height of impropriety.

Mr. EMBRY. You go on the assumption that she herself did not want the money?

Mr. BENTLEY. Yes, sir. She told me she did not want it.

Mr. EMBRY. Did you consult with Judge Wood at the time he dismissed the case?

Mr. BENTLEY. No, sir.

Mr. EMBRY. You did not talk with him about why the suit had been dismissed?

Mr. BENTLEY. No, sir. The suit was dismissed.

Mr. EMBRY. How much do you owe her now?

Mr. BENTLEY. One thousand nine hundred and ninety dollars, for which she is secured by four notes of mine, and \$10 is indorsed on one of them. The next note is due January 1, 1908, \$500, or rather \$490 is due on that note. These notes are for \$500, maturing each six months.

Mr. EMBRY. You bought that land in the Indian Territory. You own that, or your wife does?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. What is it worth now?

Mr. BENTLEY. About \$8,000.

Mr. EMBRY. What did you pay for it?

Mr. BENTLEY. Five thousand dollars.

Mr. EMBRY. Is all the money you put in it the money you borrowed from the Indians?

Mr. BENTLEY. I would not be certain about that. I think some of the money I borrowed from them. I will not be certain as to that. I had accounts in several banks at that time. My recollection is I paid part of it through the Canadian Valley Trust Company.

Mr. EMBRY. You have never given the Indians any benefit of that, have you?

Mr. BENTLEY. The trouble with the Indians has been to pay them back their money. I have paid them back a considerable part of their money. The land has not been sold. The time has not yet come for a division of profits, if there shall be any.

Mr. EMBRY. You and Clark had some controversy about that same investment, did you not?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. You and he regarded it as your own private investment for your own benefit, did you not?

Mr. BENTLEY. No, sir; I did not regard it exactly in that light. I borrowed the money from the Indians and put up what I considered more than security for the money, just as I would borrow money from a white man and put it in an investment when I thought my judgment was good. Mr. Clark has no money invested in this land.

Mr. EMBRY. In the correspondence, when you and Clark had some difficulty, did you not offer, if Clark would put up \$2,500—

Mr. BENTLEY. I stated to Mr. Clark repeatedly that I owed this Indian woman part of the money invested there. The notes were maturing along, and if he would put up half the money he could have one-half interest in it. But he, so far, has not put up any of the money. I would be very glad to do that with him if he puts up half the money, so that I might pay those who I owe. I am under no obligation to him now.

Mr. EMBRY. Now, George Graham is the trader down there?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. How long have you known Mr. Graham?

Mr. BENTLEY. I think I have known George for five or six years.

Mr. EMBRY. As I understand, his store down there is on his own premises?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. And that the agent could not control it if he desired to?

Mr. BENTLEY. I think the agent could control it to a very considerable extent if he desired to.

Mr. EMBRY. How could the agent control it if he so desired?

Mr. BENTLEY. The same way I did when I was agent. They did not have any store at my agency.

Mr. EMBRY. How did you control it?

Mr. BENTLEY. Because I would not let an agent have a store there.

Mr. EMBRY. How could you prevent a man having a store on his own premises?

Mr. BENTLEY. I could not prevent a man having a store on his own premises, but, as agent, I could so conduct the agency that he could not maintain a store by Indian trade.

Mr. EMBRY. You aided Mr. Graham in the collection of debts due him, did you not?

Mr. BENTLEY. I aided him in the collection of debts from the Indians who had gone to Mexico.

Mr. EMBRY. Much-e-nene had not gone to Mexico, had he?

Mr. BENTLEY. I think I aided him there because he was a mean, disreputable Indian, who would not pay his debts. Mr. Graham asked me to use my influence with him to pay the account of some \$1,200.

Mr. EMBRY. He paid you a commission for inducing the Indian to pay his accounts, did he not?

Mr. BENTLEY. Not exactly to me; he paid the office there.

Mr. EMBRY. What office.

Mr. BENTLEY. My recollection was it was the Maxey real estate office.

Mr. EMBRY. You were interested in a commission of the money he received from these Indians?

Mr. BENTLEY. I think one-third of the amount came to me.

Mr. EMBRY. That was given to you because you had an influence over the Indians?

Mr. BENTLEY. Not in a general way. The traders supposed it was a special case. They came over there and asked me if I would not advise Much-e-nene to pay them. He had gotten groceries there to live on, and Mr. Graham thought he did not intend to pay his account, and I advised him that if he wanted to preserve his credit and word, to pay it.

Mr. EMBRY. You advised the Sac and Fox Indians to pay, did you not?

Mr. BENTLEY. I have no recollection of collecting anything from them.

Mr. EMBRY. Now, is it not a fact that this agency—the Shawnee Agency—is in sight of both towns of Tecumseh and Shawnee?

Mr. BENTLEY. Yes, sir; between the two towns.

Mr. EMBRY. And the merchants of Tecumseh or Shawnee could trade with those Indians as well as Graham?

Mr. BENTLEY. No, sir.

Mr. EMBRY. What is the difference?

Mr. BENTLEY. Because they could not collect their accounts.

Mr. EMBRY. Why?

Mr. BENTLEY. Because it is too far away, and though the agent is there, Mr. Graham knows when the money is paid to the Indians. The clerk keeps him advised when it will be paid.

Mr. EMBRY. What clerk keeps him advised when it will be paid?

Mr. BENTLEY. All of them, and I can always find out through Mr. Graham when the Indians are to be paid.

Mr. EMBRY. You heard Mr. Graham's testimony?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. That he went down the public highway, and did not go inside the inclosure when he made collections?

Mr. BENTLEY. My recollection is he did not mention that he did not go in. I have seen him in there frequently.

Mr. EMBRY. You have seen him in there making collections?

Mr. BENTLEY. I have seen him going in there when the Indians were paid. I have not been permitted to go into the agency myself. I have not felt like going in there. I have seen the time when I was there I had to send word up to some Indian to come out.

Mr. EMBRY. You have seen Mr. Graham in there at the time the Indians were paid?

Mr. BENTLEY. Yes, sir; I have seen him in there at the time the Indians were paid. I have been over to the store there, and the boy at the store told me Mr. Graham was over at the agency collecting.

Mr. EMBRY. When was that?

Mr. BENTLEY. Several times that has occurred. I do not know that I can just give you the dates exactly, but they were probably a few months.

Mr. EMBRY. Could not any other agent from the store have gone down there and have made the collections?

Mr. BENTLEY. Yes, sir; anybody could go down there and wait outside; the clerks or anybody else would not be permitted to come inside, I think.

Mr. EMBRY. You do not know about that. You are accusing Mr. Thackery of aiding that agent when you do not know it?

Mr. BENTLEY. I feel that I do know it.

Mr. EMBRY. You have a prejudiced opinion. That is what you base it on?

Mr. BENTLEY. No, sir; I base my opinion on the fact that if the agent and his force were not friendly with the trader the trader could not maintain his business there; and I think that view would be taken by anybody else who knew the conditions there.

Mr. EMBRY. Is it not a fact that George Graham understands the Indian better than the other traders, and knows how to manage that matter?

Mr. BENTLEY. I do not think so. I think he has a better knowledge of them than most of the merchants in that country.

Mr. EMBRY. And that he has managed that by paying commissions to fellows like yourself who have influence over those Indians?

Mr. BENTLEY. No, sir; probably there would never have been paid any commission there. That came about in a peculiar way. J. H. Maxey, president of the First National Bank, made this arrangement about commissions, and he was getting commissions from collections from the Indians' accounts, for which he did nothing. He had no influence with the Indians. The Indians would come to his office hunting for me, and I thought it was not a fair business proposition with him. He suggested to Mr. Graham that he would aid in the collection of part of the accounts. It had never been suggested to me at that time. Later on I suggested that inasmuch as Mr. Maxey was doing nothing for the Indians he was not entitled to anything.

Mr. EMBRY. That it was your influence and you should have part of the commission?

Mr. BENTLEY. No, sir; that the Indians were leaving the country and were going to Mexico, and it was cheaper for Mr. Graham to pay me a commission for collecting the accounts. I was under a great deal of expense in going to and coming from Mexico, and he offered to pay 15 per cent commission rather than go down there himself.

Mr. EMBRY. You knew all the time he was selling goods to these Indians at a profit of from 35 to 40 per cent?

Mr. BENTLEY. These accounts I had were made prior to the per cent arrangement. I always knew he charged the Indians more than he ought to, and that he intended to get half of the Indians' money.

Mr. EMBRY. George Graham is the man you referred to in your remarks about Mr. Thackery's testimony?

Mr. BENTLEY. Yes, sir. I will guarantee this to you: If you put an agent there who is not friendly to Graham and does not associate with him, there would be no store there. If the agent leaves there the store will leave. There is no other trade from which he gets any other business, except the Indian business, to amount to anything.

Mr. EMBRY. You know Lee Patrick, do you?

Mr. BENTLEY. Yes, sir; I know Lee Patrick quite well.

Mr. EMBRY. Have you had a conversation with him recently about the Indian enterprise in Mexico?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. When was that conversation?



Mr. BENTLEY. On my way to Washington; Mr. Patrick got on the train, I think, at Chandler, Okla.

Mr. EMBRY. On your return from the investigation at Shawnee?

Mr. BENTLEY. Yes, sir. And I had some conversation with him in a general way.

Mr. EMBRY. That is the man who was agent at the Sac and Fox Agency at the time you had your trouble down there, is he not?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. What conversation did you have with Mr. Patrick in relation to the Indians and Mexican matters?

Mr. BENTLEY. I think I explained to him in a general way *what* the testimony of the Indians was—as far as I was able to observe—that my charges against the people who were robbing and holding up the Indians were being substantiated by the testimony.

Mr. EMBRY. What inducements did you hold out, if any, to Patrick?

Mr. BENTLEY. I did not hold out any inducements. Patrick and I sometime ago, about a year ago, were in Mexico together, and Mr. Patrick's associates were moneyed men, and I tried to induce them to buy a piece of country down there.

Mr. EMBRY. As a matter of fact, this George Graham and Lee Patrick went with you to inspect some of that Mexican country with a view to buying it for these Kickapoo Indians?

Mr. BENTLEY. Not exactly that. I proposed to them that if they would furnish the money to buy a piece of country, I would deed them some Kickapoo land in exchange for their money. The negotiation was made purely because they were men of means.

Mr. EMBRY. Did you say anything to Mr. Patrick the other day about finances or having him finance a scheme to get this land for Indians in Mexico?

Mr. BENTLEY. I think I told Lee Patrick when this matter was finally understood and the conditions of those Indians were understood there were some of them who would want to go there, and if he wanted to buy some of their land or interest himself, there might be some arrangements made.

Mr. EMBRY. You were making arrangements to help those Shawnees to go to Mexico?

Mr. BENTLEY. I am free to say that there were twenty-five or thirty of those Shawnees desiring to move to Mexico after I left. I think some of them came before this committee and stated to the chairman that they were very eager to go there, and solicited him to see that they are not interfered with. If I can, I shall move them to join the Kickapoos. They are really affiliates of the Kickapoos.

Mr. EMBRY. You know Lee Patrick is not a philanthropist, do you not; that he invests his money for profit?

Mr. BENTLEY. I think he expects a return on his money, as would anybody else who furnished money to buy land. He expects proper compensation for the use of his money. I certainly did not understand there was a philanthropic disposition on his part.

Mr. EMBRY. In your letter to Joe Clark, dated Eufaula, Ind. T., May 14, 1904, in which you say, "Maxey is eager to settle and you had better see him as soon as you get in, as he most likely will leave soon"—what business relation had you with Maxey to which you refer in this letter?

Mr. BENTLEY. I think at that time Maxey had been furnishing money, or rather we had been aiding him in buying land which was sold to the highest bidder, and when the lands were resold myself and Clark participated in the profits to the extent of 25 per cent. That, however, was not through any influence or anything else in the world, except we knew the land and knew what would be a proper price to be paid for the land.

Mr. EMBRY. You and Clark had a real estate firm, did you not? You were in a partnership styled "M. J. Bentley & Co." in Shawnee?

Mr. BENTLEY. It would hardly be considered a real estate firm. The M., K. & T. and Southern Pacific and Mexican International Companies for a time paid the rent of our office, a very conspicuous office in Shawnee, and our office solicited business for the three companies and, being an uptown office, placed their business at a very great advantage over the other competitors for passenger and other business.

Mr. EMBRY. You transacted real estate business among the others?

Mr. BENTLEY. No, sir; another man in the office, Reagan, I think, or someone else, and Clark and others carried on, more or less, the real estate business. I never devoted any time to it or had any money in the real estate feature of the business.

Mr. EMBRY. You participated in the profits, did you not?

Mr. BENTLEY. Certainly. The office was furnished through me, and it was a very conspicuous office there. It was very useful to these men. They had no office.

Mr. EMBRY. This arrangement with Maxey was that you and Clark should estimate the proper amount to be paid on Kickapoo lands offered for sale?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. And that was put in as Maxey's bid at the agency?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. And if that bid exceeded the others, the land would be awarded to Maxey?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. He would hold the land until you could make a sale and you would receive 25 per cent of the profits?

Mr. BENTLEY. Yes, sir; my office did, and I participated in the profits.

Mr. EMBRY. Had you had a like arrangement with Mr. Benson?

Mr. BENTLEY. No, sir.

Mr. EMBRY. What was that arrangement?

Mr. BENTLEY. That was the sale of the land that belonged to the Kickapoos. Mr. Maxey would not buy any more land if the profits were not more profitable. Mr. Benson said he would like to buy a few pieces of it. That was advertised, and we cooperated with him to the extent of his putting up the money to bid, and we were rewarded the amount. I think my profits were \$70 or \$80. My profit was less than a hundred dollars—that is, my part of the profits.

Mr. EMBRY. You saw the check introduced in the testimony of George Graham. What explanation have you to make of that?

Mr. BENTLEY. Which?

Mr. EMBRY. The check of Conklin, Grimm & Co.

Mr. BENTLEY. For \$440?

Mr. EMBRY. Yes; what was that for?

Mr. BENTLEY. That related to the land of Ke-ah-ko-huck. That was a very valuable allotment near Shawnee, Okla., that had been put up and sold to the highest bidder for \$28,300. There was some question as to the heirship in that case, and I guaranteed to Hoffman & Co. a fee of \$500 to see that the deed was signed by the proper parties in interest and went to Mexico to get the signatures of some heirs over there, but by reason, however, of some other service being rendered in the matter I only collected a fee of \$440, I think.

Mr. EMBRY. Who were the others that rendered services to which you refer?

Mr. BENTLEY. Mr. Galan hunted up some of the heirs and they paid him for it and deducted the fee from mine, and I consented to it.

Mr. EMBRY. -Where was this heir from whom you secured the title for Hoffman and these people?

Mr. BENTLEY. There were several heirs. Two of them were in Mexico at the time. One was one of those Nacimiento women. She was the daughter of the man I mentioned earlier in the testimony. Her father had stated that he lived over there thirty years before. I recollected it and hunted her up and succeeded in getting her \$6,300. Otherwise, she would have been left out.

Mr. EMBRY. Did you receive fees from other persons for securing the signatures of these other Kickapoos for land sold at the agency?

Mr. BENTLEY. I can not say anybody ever paid me a fee for the mere matter of securing the signature of an Indian.

Mr. EMBRY. What did they pay you for?

Mr. BENTLEY. I may have been paid a fee to see that the proper signature of an Indian was signed to a deed, and in some proper instance I have hunted the Indian to see that he did sign. There were a great number of deeds that I had nothing to do with. I was not present when they were signed and had nothing to do with them. I have been frequently paid a fee where people have paid for land as the highest bidders, where I wrote an opinion outlining the heirship, who they were and where they could be found, but usually small fees of \$500. There might have been some half dozen instances of that kind. Some real estate man came in and said: "I will not bother you for nothing; I will pay you if you write out the history of this Indian."

Mr. EMBRY. In the same letter I referred to I find this: "The Oklahoma Kickapoos are ordered off the reservation and Roman says they are camped in his pasture. I do not want them to come straggling back to Shawnee, and think it best to rent a place to put them and hold them there." What is the situation you referred to in that letter?

Mr. BENTLEY. The situation was this—

The CHAIRMAN. What was the date of that letter?

Mr. EMBRY. May 14, 1904, which is referred to.

Mr. BENTLEY. We had been down to Mexico City to see the President of Mexico.

The CHAIRMAN. Whom do you mean by "we?"

Mr. BENTLEY. Myself and a delegation of Indians, Wah-pah-chequa and myself and the Mexican interpreter, a Nacimiento Kickapoo, and the President expressed a decided willingness for the Indians to remain in Mexico, provided they would buy land sufficient for their

support. But he said he was decidedly opposed to the Oklahoma Indians living on the land with the old-timers on their reservation, but he would give us a reasonable time to get out and hunt another place. At this time about 300 Mexicans had crowded the Mexican Indians out and were occupying the land, and the rents were going to this man Guajardo, who is testified to so often in the record. Of course I called that to the attention of the President, that the reservation had been occupied to the advantage of the Mexicans and not that of the Indians, and they were paying no rent to the Indians. The President moved sooner than I expected and cleaned out by the soldiers everyone except the Nacimientto Kickapoos. I suspected he had grown impatient because we had not bought land and might order us all out of the country. At that time we apprehended we might be able to acquire some land, but we did not find any land within our means. I regarded the situation as very grave, and concluded the only thing to do was to rent somewhere until we could do better.

Mr. EMBRY. What was your antipathy to having these Indians come back to Shawnee?

Mr. BENTLEY. I knew this, that if they came back to Shawnee they would soon return to Mexico if they ever got money enough, and if they did not want to stay there in Oklahoma I did not want them to come straggling back in that way. I wanted to show them if there were any Indians in Mexico who wanted to come to Oklahoma that I did not want to discourage them. Several are living there now near Shawnee that I encouraged to come back, but they will not stay there. I think that is a mistake.

Mr. EMBRY. Here is a letter of August 22, 1905, in which you say to Clark, among other things: "I will come out on the Central and expect to go across in twelve days. Dickson has made a complete fizzle here. You will see from the papers the trouble here is over." That referred to the time Dickson was down in Mexico making an investigation?

Mr. BENTLEY. Yes, sir; at the time he had me in prison down there.

Mr. EMBRY. Dickson went there to investigate the seven allotments, did he not?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. You say he put you in prison?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. What charge did he make against you?

Mr. BENTLEY. He represented to the authorities that the Indians were afraid of me and would not testify unless I was incarcerated and held somewhere.

Mr. EMBRY. How long were you held?

Mr. BENTLEY. Four days.

Mr. EMBRY. During that time did he conduct the investigation?

Mr. BENTLEY. He was not able to get any testimony.

Mr. EMBRY. Why not?

Mr. BENTLEY. The Indians would not talk to him.

Mr. EMBRY. Had you advised them not to talk to him?

Mr. BENTLEY. I had taken Dickson in my buggy and taken him to the Indians' camp and told them to tell him everything they knew, not to conceal anything, but to answer any question he might ask

them truthfully. That, perhaps, was after I was released. It was after I was released from prison that I did that.

Mr. EMBRY. Why have you so stoutly opposed these Indian agents from talking to the Indians in your absence?

Mr. BENTLEY. Because they would write up a lot of stuff that the Indian did not say, and so interfere with the Indians. They were not honest in their investigation. I have always been ready and willing to aid any Government inspector who was sincere in getting at the facts. I was going to ask you if you do not know from what you have heard of the record from the report of Dickson that it was false and malicious.

Mr. EMBRY. Has not that been your uniform way with all these inspectors and persons appointed to go down there and inquire of the Indians, that you have insisted upon being present yourself at the time they gave their testimony?

Mr. BENTLEY. I have either insisted upon being present myself, or that some person in whom I had confidence should read the statements made by any such investigating officer of what the Indian said before the Indian signed it.

Mr. EMBRY. Do you remember when Blakeley, the clerk, went to Muzquiz to pay the rent money in 1905?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. You were present at that time were you?

Mr. BENTLEY. I was present at Eagle Pass when he was there.

Mr. EMBRY. Did not Blakeley go over to Muzquiz?

Mr. BENTLEY. I think he did, but I do not think I was present. I will not be certain as to whether I was or was not, but I think he came and called in a lot of Indians and attempted some transaction with them. I think they refused to sign, but I am not certain about that.

Mr. EMBRY. You understand he was there to pay the lease money?

Mr. BENTLEY. I understand he was there to pay the lease money and to get them to sign new leases, some of which I find were very unfavorable to the Indians.

Mr. EMBRY. Had you not uniformly encouraged these Indians to distrust the agent who represented the Government?

Mr. BENTLEY. No, sir; not if I thought he was sincere and honest in what he came there to do.

Mr. EMBRY. In a general way, had you not cautioned them and induced them to entertain a fear of these inspectors?

Mr. BENTLEY. I have told the Indians always when anybody came to transact business with them, inasmuch as they could not read or write, unless somebody read it to them, to take the word of no stranger; to call on somebody who could read and write, and if it was a proper paper to sign it. If it was a proper paper nobody would object to its being read to the Indian.

Mr. EMBRY. Was there not the same trouble when Outcalt and Thackery went down there to make inquiries about these seven allotments?

Mr. BENTLEY. No, sir; Outcalt could at any time have gotten any Indian in the camp to come in there cheerfully and tell him anything he knew that he wanted him to know, and he could have taken his testimony in Muzquiz. But Outcalt insisted first and last and wanted

to get out to the camp and go into the village. He did not want to take their testimony in Muzquiz. If he did, he could have done it, because he had been there two months. You remember Outcalt testified they were drunk there and he could not interrogate them for that reason, and this record shows six of the seven persons do not drink. His statement is false in that regard. He wanted to wait until this law passed.

Mr. EMBRY. You heard the testimony of Mills, that there was one of these old women who was one of the owners of the seven allotments who cried about your treatment to her?

Mr. BENTLEY. I want to state that that old crazy negro said something he did not know anything about. I did not intend that any Indian should be put in that category. That old woman who testified has always been a friend to me and she would not come back to Oklahoma at all. She has been treated fairly. I have paid her several hundred dollars. She has no reason to complain. I do not know of any Kickapoo who professes more friendship for me than old Tah-pah-she.

Mr. EMBRY. How much have you paid her?

Mr. BENTLEY. I do not recollect. Perhaps \$400 or \$500. When I took her deed I paid her \$100 more than I did the others, because she was old and did not have long to live. She was a good old woman. I think she probably may have had more. I paid her \$300 in Mexican money when I took her deed first. Under the act of June 21, 1906, I paid her \$100 in gold, and gave her money often at other times.

Mr. EMBRY. What is her allotment worth?

Mr. BENTLEY. It is perhaps valued at \$3,500 or \$4,000. It is a nice piece of land near Shawnee.

Mr. EMBRY. That has not been sold yet?

Mr. BENTLEY. No, sir; there are three deeds on that piece of land.

The CHAIRMAN. What do you mean by three deeds?

Mr. BENTLEY. The first was deeded to Ives under the act of 1905, then under the act of 1906, and then Chapman and Grimes forged her name to a third deed and filed it. They thought if they could complicate all these titles and break me I could not offer any defense for these Indians and they would drive me out of the field and that the deeds of these fellows would stand. They boasted, at least, that they were going to succeed in breaking me, but they fell down.

Mr. EMBRY. Is not the reason you did not want Thackery to pay this lease money at that time because it would relieve their necessities and you could not secure their deeds for the small sums you were going to use?

Mr. BENTLEY. I did not have any such thought. I would have been more than glad to have any of them paid if it had been done in a proper way. The fact is, Thackery did not pay any of them.

Mr. EMBRY. Did you talk with Thackery about it?

Mr. BENTLEY. No, sir; but the Indians told me he did not offer to pay it.

Mr. EMBRY. And afterwards he was ordered from the camp when he first came there?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. And still you did not seek to facilitate the payment of that lease money?

Mr. BENTLEY. It was only 9 miles into town. The Indians were willing to go there and get it. They did not want Thackery in the camp. I think you will agree with me, when he came with Grimes and Brown and these notorious rascals mentioned in the record, that they wanted them all out. They did not make any distinction.

Mr. EMBRY. Why did you not induce the Indians to go to Muzquiz and get the lease money?

Mr. BENTLEY. They did not want to go to Muzquiz.

Mr. EMBRY. You did not have any talk with Thackery?

Mr. BENTLEY. No, sir; but Thackery wanted them to go over to Eagle Pass, and he wanted some to get them to sign. He was going to use that payment as a leverage. He did not come to pay them unless he could coax them to make some kind of a statement against me.

Mr. EMBRY. You know the Indian had to sign a voucher before he could pay that money.

Mr. BENTLEY. I do.

Mr. EMBRY. And there is no testimony here that Thackery asked them to sign anything else than the regular voucher.

Mr. BENTLEY. He did not ask them to sign anything. He asked them to come over to Eagle Pass. The correspondence on that subject might be of some interest at this time. I would like to read a paragraph from this letter, page — of the appendix. It is dated Washington, May 3, 1906. To the Secretary of the Interior. In his letter—this is about the second paragraph from the middle of page — of the appendix, he says—

In this connection I would respectfully refer to your letter dated January 19, 1906, directing that I withhold all money due the Mexican Kickapoo Indians residing in Mexico. It is probable that we would find the Kickapoo in a condition not conducive to our getting much evidence from them unless this order as to paying them their money might be temporarily suspended and I be authorized to pay them the lease money or monthly allowance of inherited Indian-land money now due them from this office. It might be found advisable not to make any payment, but it would seem proper that I be given some discretion in the matter, so that we could better meet conditions as we find them upon our arrival there.

Now, the Commissioner of Indian Affairs recommends to the Secretary of the Interior—

The CHAIRMAN. In answer to that letter?

Mr. BENTLEY. In answer to that letter. Larrabee is Acting Commissioner. I quoted from page — of the appendix, the paragraph referred to, and to that, the second paragraph from the top, he adds the following—Larrabee to the Secretary:

It is further recommended that the superintendent of the Shawnee school be authorized to make such payments of lease money or inherited-land money to Indian allottees or their heirs in Mexico as he may think advisable from funds due them and now on deposit to his official credit as individual Indian moneys.

I would like to say—

The CHAIRMAN. Is this letter in answer to the other letter?

Mr. BENTLEY. Yes, sir. I would like to read the last paragraph of that letter, on page — of the appendix, signed by Larrabee, Acting Commissioner, to show that Thackery and Larrabee contemplated my arrest and incarceration in Mexico at that time, a month before I was arrested:

Mr. Thackery suggests that some notice of the intended trip to Mexico and the object for which it is to be made be given to the consular representatives of the United States in that country and that they be requested to assist. When the Office made a preliminary investigation of this case the State Department was asked to aid, and through the ambassador to Mexico great help was obtained, and a like course would be advantageous in the present instance—

He refers to the time when Dickson had the assistance of the Department, and I was thrown in prison the year before—

but as the Interior Department's employees are to assist the Department of Justice, it is presumed that the latter has made the necessary representations to the State Department. However, it may be well to bring the matter to the attention of the Attorney-General.

Very respectfully,

C. F. LARRABEE,  
*Acting Commissioner.*

Mr. EMBRY. The Acting Commissioner seems to make that suggestion because of his former experience with you in Mexico when Dickson was sent down to make an investigation in this same matter.

Mr. BENTLEY. I am pleased to know you take that view of it, because Dickson, without any grounds, had me thrown into prison. It is my contention that Larrabee sought to have me put in again with or without fault.

Mr. EMBRY. Was it not a fact that through your efforts, or as a result of your influence over these Indians, Dickson was unable to get statements from them when he went down to investigate this matter?

Mr. BENTLEY. It was a fact that he would be unable to get testimony from them, except through my influence. There was no voluntary statement except that taken by process through courts, until through my influence he got the statement.

Mr. EMBRY. At what time did you give him your influence to secure those statements; after your arrest or before?

Mr. BENTLEY. I offered it at any time.

Mr. EMBRY. What time did you give him that influence, before or after your arrest?

Mr. BENTLEY. I want to answer explanatorily in order to make it clear. I offered to aid him, if he wanted to get at the facts, and advise the Indians to tell the truth. But that was not satisfactory to him. He wanted me to be clear away and no person associated with me to be present, and as attorney for these Indians I did not propose to turn them into Dickson's hands entirely unprotected. But he reported to the consular office, or rather the ambassador's office in Mexico City, that his investigation had been thwarted through the efforts of Mr. Bonnet. Bonnet had come there and demanded my release, and the whole thing was a failure by reason of it, and I returned to Mexico from Texas and went with him to the camp.

In this connection I would like to read a statement that was made that day at that place by Wah-pe-che-quah. That is the Indian that is referred to and now half dead by reason of Outcalt's ill treatment of him. At the council referred to, when Mr. Dickson and myself, the interpreter, Henry Jones, and Alberto Guajardo were present, Wah-pe-che-quah stated as follows, which was interpreted by Jones. I quote this paragraph to show that Dickson well knew that those



Indians were making an effort to trade their land in Oklahoma for land in Mexico, and it was not considered a sale by them, and he paid no heed to the disposition of the Indians. Wah-pe-che-qua said as follows, page — of Appendix:

I do not know why my friend, Mr. Dickson, should have come down here and bothered us asking questions. We thought to come here and live; live the old free life. The Government (United States) gave us land there. We think that we can do what we like with that which is given us. It was given us. Therefore we thought to exchange the land over there for land here; we did not like it over there. We came here and we looked around to see what land would suit us, where we could make our homes. When we have a horse we do not like, we look around and find one that we like, then we try and trade for it. We come here. We have done no harm; we have not killed or hurt anyone; we only want to get some land to live on till we die. We want to walk in peace and friendship with all people and do only that which is right.

Mr. EMBRY. But whether Dickson's course was wise or unwise, he was unable to get statements from these Indians until after your arrest, was he not?

Mr. BENTLEY. I think it is unfair that the record should show that.

Mr. EMBRY. I am asking you the fact. You can make any proper explanation of it you wish.

Mr. BENTLEY. He refused to accept any aid from me, and without any cause whatever had me arrested and held, and then he failed to get any voluntary testimony from the Indians, and the only testimony he did get, except through court process, he took when I advised the Indians to sign and confer with him.

Mr. EMBRY. Then it was that proceeding which the Acting Commissioner was probably referring to, when he said: "When the office made a preliminary investigation of this case, the State Department was asked to aid, and through the ambassador to Mexico great help was obtained, and a like course would be advantageous in the present instance." Is that the proceeding of his in arresting you to which you referred?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. It seems that the Commissioner realized you would persist in the same course of opposition made by Thackery and Outcalt, did he not?

Mr. BENTLEY. He would not if the former inspector had made a truthful report, because I had aided him in getting all the testimony he did get.

Mr. EMBRY. You are familiar with Dickson's report, referred to here, are you not?

Mr. BENTLEY. Yes, sir; I knew it was false from beginning to end.

Mr. EMBRY. But it was a source of information to the Acting Commissioner, Larrabee. It conveyed to him the intelligence that you had obstructed Dickson's investigation, did it not?

Mr. BENTLEY. No, sir; I do not think it did. I think it conveyed to him, through spite toward me, that Dickson had been able to punish me by throwing me in prison, and I think Larrabee hated me so he would like it to be done again. That is it. I think it was purely personal.

Mr. EMBRY. I desire to call your attention to the letter of J. W. Scothorn, United States Attorney, to Frank A. Thackery, of the date of April 20, 1906, and I read the second paragraph [page — of the appendix]:

The Attorney-General suggests that the assistant attorney should go to Eagle Pass, Tex., and to Mexico, and among the Kickapoo Indians Bentley induced to remove to Mexico. And inasmuch as you are personally acquainted with these Indians, and have made a trip or two to the locality where they are located, I think it of the utmost importance that you accompany Mr. Outcalt on this trip and assist him in securing the statements of the Indians. You should take with you an interpreter upon whose honesty you can rely, to the end that every statement you obtain may be relied upon. It will also be necessary to secure in Mexico some person who can speak the Spanish language to assist you.

That was Mr. Scothorn's request to Thackery, to accompany Outcalt, was it not?

Mr. BENTLEY. I so understood it.

Mr. EMBRY. Scothorn was the assistant United States attorney for that district at that time?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. You understood then, and understood all the time, that Thackery was first requested by the Department of Justice, through the United States attorney, to enter into this effort to make this investigation down there, did you not?

Mr. BENTLEY. I understood that Thackery was responsible to some extent for the investigation being made at all. It was on his complaint that it was made.

Mr. EMBRY. You understand that his letter to the Commissioner—his letter bringing the matter to the attention of the Commissioner—the idea that he should accompany Outcalt to Mexico was at the solicitation of Mr. Scothorn?

Mr. BENTLEY. And very likely a suggestion from Thackery to him.

Mr. EMBRY. Why do you say that?

Mr. BENTLEY. Because Outcalt, I think, saw an opportunity to go down there and prevent the Indians from doing what they intended to do and get me in prison again. I think he especially wanted to go that Outcalt might bring out some testimony that would be useful to him in the libel suit I had pending against him. He did want something that would aid in that lawsuit. I think he probably thought, at Government expense, he could save himself and Dickson—he could save himself in the libel suit, and they probably, indirectly, took steps to go down there.

Mr. EMBRY. Have you not been disposed at this time to take the extreme view of what any Government officer did in any of your affairs?

Mr. BENTLEY. No, sir; I never viewed him with any kind of favor when he lied about me. I have great respect for those officials of the Government who have been fair and honest.

Mr. EMBRY. I wish you would examine this letter and state if it is in your handwriting [handing witness a paper].

Mr. BENTLEY (after examining same). Yes, sir; that appears to be.

Mr. EMBRY. And the postscript is in your handwriting, too?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. I offer this letter in evidence.

The CHAIRMAN. What is it?

Mr. EMBRY. It is a letter from Mr. Bentley to Mr. Clark.

The CHAIRMAN. I think that is already in evidence.

Mr. EMBRY. This is not.

The CHAIRMAN. Are you sure?

Mr. EMBRY. Yes, sir.

The CHAIRMAN. I will venture to say that half these telegrams that you handed me to-day are in the record.

Mr. EMBRY. I suggested to Mr. Thackery the same thing.

The CHAIRMAN. If that is not in the record, it will be introduced.

Mr. EMBRY. I will read only the last part of it.

Mr. BENTLEY. I have gone over Graham's accounts at Shawnee, Okla., and had a list of the amount his books showed was due the Indians, and I thought the woman was examined and that she did owe that amount, and I thought it was honest and right she should pay it. I think some other Indian there told her she ought not to pay all of it. I have always tried to get the Indians to pay their honest debts.

Mr. EMBRY. That is the reason you urged her to pay this?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. Do you not think it would be better to have had that woman settle her bill for part payment?

Mr. BENTLEY. I thought it would be said they went away from there and did not pay their debts. I thought Mr. Graham should not extend any more credit; that his books should be squared, and that would end the credit business.

Mr. EMBRY. I will ask you to examine this. That is the original [handing witness a paper].

Mr. BENTLEY (after examining same). That is my handwriting.

Mr. EMBRY. This letter is also offered. Letter of Martin J. Bentley to Joseph Clark, dated June 13, 1905. I will just call your attention to the particulars I want to ask you about. I offer the letter in evidence without reading it.

You state, "I left at the bank here a little book showing the amount they gave George to aid in the collection." Then on the next page, "I left with Bonnet a little book with the Graham accounts in it as a guide for making collections."

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. I offer that. That is the letter that refers to the commissions you received from Graham, as stated in your former testimony, is it?

Senator CURTIS. You want to put that the other way—that refers to collections from which you received commissions?

Mr. BENTLEY. This letter seems to generally refer to matters of collection.

Senator CURTIS. Did you have anything to do with the collections of Guerra & Co.?

Mr. BENTLEY. I did, where I stood good for the Indians' accounts.

Senator CURTIS. To what extent did you do that?

Mr. BENTLEY. The custom was that the Indians were disposed, if I gave them money often, to not make very good use of it, and they got more for their money if I gave them an order to Guerra & Co. Where they received goods on orders from me, of course I was ambitious to see that they were paid. I desired as much as I could to see that they were charged reasonably for the stuff. He could trade there to the best advantage and get the most for his money. We traded a great deal with Guerra & Co., grocers, in the town of Muzquiz. Guerra, however, never at any time paid me any commissions, but, on the contrary, the accounts of the Indians

were not paid, and I advanced him \$400 to cover them, by reason of the credit system there, a little more than \$400, which I have never received back.

Senator CURTIS. You knew Mr. Galan. Did he have a store down there?

Mr. BENTLEY. At one time he had a little stock of stuff, some flour and meat, some few months.

Senator CURTIS. Did the Indians trade with him?

Mr. BENTLEY. I think they did, during the time he had a supply, but their credit was too good and the store did not last. He credited the old, wild ones, and he went out of business.

The CHAIRMAN. What do you mean by "the old, wild ones?"

Mr. BENTLEY. The Nacimiento Kickapoos. He was extending credit to them and they failed to pay him.

Mr. EMBRY. Is it not a fact that the system in vogue there was based on credit to your orders, and the notes or accounts would be sent over to the Border National Bank quite frequently for payment?

Mr. BENTLEY. I recall some instances. For instance, I recall where they owed Galan there several hundred dollars, and Galan was needing American money. His boys were in the art school at Oklahoma, and I indorsed a note with him at the bank for \$250. That note was secured by Indians' notes who owed him at the store. When the Indians appeared there to get money it was expected the bank would collect those notes and credit the amount to Galan's note.

Mr. EMBRY (exhibiting to witness a paper). That is the signature of W. A. Bonnet, of the bank down there at Eagle Pass, is it not?

Mr. BENTLEY. I think it is; it looks familiar.

Mr. EMBRY. Now you say you signed a note with Guerra at that time?

Mr. BENTLEY. No, sir; Galan.

Mr. EMBRY. You never signed a note there with Guerra?

Mr. BENTLEY. No, sir; but I advanced Mr. Guerra \$400 to apply generally, and when those accounts were settled there was that much kept back, which I had paid for the Indians, and I am out my \$400.

Mr. EMBRY. Now, that seems a very considerable amount of money to pay for those Indians down there. What became of it? How would they use their money, in a general way? You need not go into the account at this time.

Mr. BENTLEY. I want to cite the committee to what was done with it. For instance, here is the account of Ah-na-tha-hah-quah, on page 5. She began receiving money from the agency in Oklahoma in 1902. January 24, 1902, she received \$30; July 19, 1906, she received \$15, making a total of \$180 received for five years, and that was her only support, and I apprehend probably she lived very sparingly, if she lived in that country, on that amount of money.

The CHAIRMAN. Was she in Mexico?

Mr. BENTLEY. No, sir; she was not.

The CHAIRMAN. I want you to show, before you get through, that some of those people were not in Mexico.

Mr. BENTLEY. We will take the first account, on the first page. This account shows that during the period from January 31, 1902, until March 14, 1906, that this Indian, Ah-che-che, received \$966.80.

Of that money he contributed \$61.70 to the general fund, and I know that he still had \$200 of it in cash on November 14, 1906, and that would leave him about \$700 to support a family of five or six on from January, 1902, until November, 1906, four years, so that would not show—

Senator CURTIS. About \$200 a year?

Mr. BENTLEY. About \$200 a year for a family of five. I do not think he was extravagant, and I did not get much of that money. I have shown by my schedule to Thackery, Exhibit No. 168, Appendix, that I had at that time \$200 which I had to buy a wagon with, and I afterwards returned it to him by check. Here is an Indina who during that time received \$2,836.01. Of that money he left with me in trust \$400, which I returned. He had a very large family, six or seven in his family, and made frequent trips to Oklahoma. I do not think he could be very wasteful with his money. Here is Ah-ke-na-ma-tho, she is the wife of the Sock Indian that was down there. She received during a period of nearly five years \$869, of which I never had a penny in any way.

The CHAIRMAN. You do not know what she did with that?

Mr. BENTLEY. No, sir. I think they had several horses after they left Oklahoma. Usually these funds were invested in horses. They were pretty generally supplied with mules and horses and good equipments in general. What pertains to the accounts mentioned practically pertains to all of them. Here is a woman on page 5, Ah-na-thah-hah-quah, who lives in Oklahoma. I never had any of her money. She may have visited in Mexico, but never lived there. Here is Ah-nes-she-nen-ne. He received \$2,030 while he was in Mexico.

The CHAIRMAN. How long a time?

Mr. BENTLEY. He received \$1,520 before he went to Mexico at all, December 31, 1903, and he testified before this committee. I never had a dollar of his money at no time and in no way.

The CHAIRMAN. How much had he all told?

Mr. BENTLEY. Two thousand and thirty dollars.

The CHAIRMAN. In four years?

Mr. BENTLEY. In a period extending from January 30, 1902, to January 25, 1906. The last payment, however, of \$50 was after he returned to Oklahoma. Here is the account of Ah-no-thah-ha-gua. Here is an instance I wish to call the chairman's attention to. Here is a woman who lived in Mexico for five years, and the agency statement shows she has never received any money there. She did receive through Eagle Pass \$267.71. Her allotment is a very valuable one, a mile and a half from them.

The CHAIRMAN. How much did she receive?

Mr. BENTLEY. Mr. Thackery, according to his statement, has never forwarded her any money. So she should have four or five years' rent up there. Here is the statement of Ah-ten-ye-tuck's account, on page 9; who drew during a period from January 31, 1902, to June 2, 1906, \$470. I never had any of his money. Here is Ah-them-esk-kah-mo. This Indian drew during her lifetime \$6,703.34, of which I had at one time \$4,000 and returned \$3,000.

The CHAIRMAN. That is the woman who died, called Emma Garland?

Mr. BENTLEY. Yes, sir. Thackery's clerk has been appointed, so he told me, through Thackery's influence, administrator of her

estate, and they are suing me for \$5,000 or \$6,000. Here is the statement of Ah-waw-nee's account.

Mr. EMBRY. You saw the receipts which were exhibited to you at Shawnee that you gave Emma Garland for \$2,000?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Payable at the convenience of payor?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. That was genuine, was it not?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. You gave her that receipt?

Mr. BENTLEY. Yes, sir. I would like to explain why I gave it to her. She had my note for \$2,000. I had paid her some currency. I have forgotten the amount. It was quite an amount. I paid it to her and she went to a restaurant, and while she was eating somebody stole her pocketbook with the note and currency in it, and I did not feel like giving a new note with the other outstanding, and she came to me and called my attention to it in Mexico, and I hurriedly wrote the receipt. As I say, I did not like to have out two notes for the same amount at one time. The note has not materialized, and in the meantime I have heard she died. Then I continued to support her infant child, and it died. Then I continued to pay her husband, and he is now dead. All of them are dead. The statement of Chah-ke-she's account shows she received a total of \$983.85. I never had any of her money, except at one time I had \$100 of her money, for which she held my receipt. She presented it at the bank, and it was cashed and afterwards returned to me with my checks. She contributed \$71.35 to the general fund. Do you think it is worth while to go over all of these accounts?

The CHAIRMAN. No, I do not think it is worth while. [To Mr. Embry.] Do you want him to go over all those?

Mr. EMBRY. No, sir; his schedule shows that.

Mr. BENTLEY. I wish further to say with reference to these accounts that here on page 14 is Che-qua-ka, a Mexican Kickapoo. He is a Nacimiento Kickapoo, who drew \$325, as shown on this page. He is an Indian with whom I have had no transaction whatever.

Mr. EMBRY. He acquired rights in Oklahoma allotments by inheritance, did he not?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. Quite a number did that?

Mr. BENTLEY. Yes, sir. I had no association with them, except in one instance of Wah-tha-pe-qua.

The CHAIRMAN. Is that the woman who got \$6,000?

Mr. BENTLEY. Yes, sir; I think she turned her money over to the Mexican. Her husband had a Mexican come with her to get her money at Shawnee, and I think she turned it over to him, Mr. Roman.

Mr. EMBRY. You have heard the testimony of Joe Clark, where he said that you, at the time you and he went to the Indian camp, sometime probably in May, 1906, you offered him \$2,500 for the first six months and \$2,500 for the succeeding six months if he would aid you in securing deeds to the Kickapoo land?

Mr. BENTLEY. Are you quoting his exact language?

Mr. EMBRY. No, sir; substantially. That is, as I understand it, substantially. What are the facts about that?

Mr. BENTLEY. The facts are these: On my way to the Kickapoo Reservation, in Mexico, from Washington, on May 22, 1906, or the morning of the 23d of May, Clark went with me to the Missouri, Kansas and Texas Railroad station, and there he said that unless I deeded 20 acres of the Wah-nah-ke-that-hah allotment for past services that he would oppose me and help the other fellows to get the Kickapoo lands, and I think I told him at that time if he would go down there and do the square thing with the Indians and help us to get through with our Pedro Blanca deal, that for a year's work and what he had done I would pay him \$5,000, and I think probably had he done that it would have been of very great advantage to the Kickapoo Indians, because Joe Clark was the only man outside of myself there who had any influence over them, and I think his protection would have been well worth it, but he seemed to think he could make more money by working with Grimes, and he was contrary and mulish and went down there and started in with them. Clark helped Grimes to get the first drunken outfit out of the Indian village. He was there urging them, and went from house to house and aided the fellows to get them in wagons to go to Eagle Pass.

Mr. EMBRY. Were you present and saw them?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Did you see Mr. Erney?

Mr. BENTLEY. I think, in justice to Clark, that Grimes had assured Clark that they would take the Indians to Eagle Pass and would pay them a fair consideration for their land and would insist upon leaving their money in bank, and I think Clark was encouraged to think that he would be permitted to select some land for them somewhere and aid them in getting a place there, but when the Indians came back from Eagle Pass, after having made deeds and were drunk, and Clark learned that they had been given their money, that they had squandered it, and that Grimes was deceiving them, I think Clark quit all of them. I do not think he had any further association with them.

Mr. EMBRY. Now, what effort did you make to purchase the Pedro Blanca ranch? I do not think that is in the testimony.

Mr. BENTLEY. We made a very great effort. First, we went and inspected it carefully. Some of the old Kickapoos knew the property well. They came down the mountains of the Sierra del Carmen range, when they crossed into Mexico, forty years before, and passed what is known as the Centennalla Peak, which is near the famous Flat-top Mountain, on which the Apaches long ago raised their cereal food. While the valleys are too dry to raise corn, this mountain, by reason of elevation—it rains there abundantly when it does not rain in the valleys, and it is a place well known to the older Kickapoos. A council was called and I went there, I think, in 1894, the year that Senator Quay died.

Senator CURTIS. You mean 1904?

Mr. BENTLEY. Yes, sir; 1904. Jim Deer Pahkotah was nominated on behalf of all the Kickapoos to go with me and Mr. Clark and inspect Pedro Blanca, to determine its lines, so that they would have a definite idea of what it included. We examined it and found it was a diamond-shaped piece of land. The line covered certain mountain

divides. From one peak to another it was 30 miles north and south and 27 miles the other way. There was a great basin in there surrounded by these mountains, except on the east side, where a strip of smooth or valley land, 4 miles wide and 28 miles long, led out to the Rio Grande River, with the mountains abutting along. We made efforts to acquire that land so that we could have an outlet over our own land to the American border. Blocker, at that time, was willing to take 55 cents an acre.

Mr. EMBRY. That would average how much?

Mr. BENTLEY. There were 238,000 acres in the tract. I think at that time he had eight or nine thousand cattle on the place. I have forgotten the exact price he would take for the cattle, but, at any rate, on the payment of \$50,000 he would turn the ranch over until the debt was paid, provided his manager should be retained there as our manager.

Mr. EMBRY. State the times and places you had conversation with Blocker about it and what was said at those times.

Mr. BENTLEY. I saw him so many times in Eagle Pass and Mexico and every time I met him for several years.

Mr. EMBRY. How many times did you see him and talk about this matter in Eagle Pass?

Mr. BENTLEY. I suppose ten different times.

Mr. EMBRY. What was said at those times?

Mr. BENTLEY. If I knew Blocker was in town I looked him up, and if he knew I was in town he would come around and we would talk about it.

Mr. EMBRY. Did you usually make him any offer for it?

Mr. BENTLEY. Not in that way. His offer was to me. His first price was, for instance, 55 cents an acre. Land began to go up, his cattle increased, and from time to time he raised on it. Mr. Bonnet had very little talk with him about it, but had kept in touch with him, and the next price he made was 76 cents an acre.

Mr. EMBRY. What other places did you talk with Mr. Blocker about buying this ranch at Eagle Pass?

Mr. BENTLEY. I think I perhaps talked with him in San Antonio and I know over in Mexico, at Spofford Junction and on the trains.

Mr. EMBRY. Did you make him any offers?

Mr. BENTLEY. I always led him to believe that if we could raise the money we would take it at the figures Blocker offered. He is a very positive man. If he offered you a piece of land for a certain price, you would have to pay him that price. My recollection is he had raised his price to about 76 cents an acre, and then I think he required a payment of \$70,000, and finally at the time I was here before the full committee of the Senate and made a statement in relation to Pedro Blanco and its purchase, Mr. Voris P. Brown, of San Antonio, Tex., was negotiating the purchase, and I then had in my possession a statement from Brown that he had gotten all the interests in the Pedro Blanco property to agree, and that if within a reasonable time the money could be raised, we could buy it, so that it figured out for the 12,000 cattle, about 300 horses, and 5,000 or 6,000 goats, that it would approximately come to \$400,000—\$390,000 was the exact figure it came to—and I had negotiated so long with Blocker and nothing had come of the negotiations that I did not



feel warranted in going to him any more about it. and I thought perhaps it would be better not to let him know who the purchaser was, and I took another tack through Voris P. Brown.

Mr. EMBRY. Did you have an agent in Mexico to negotiate for the Indian land?

Mr. BENTLEY. I did not have any regular agent. Two men by the name of Sanchez aided me in hunting land, one as interpreter. One of them aided me in looking at the property called Capolina. Mr. Bonnet, the vice-consul, went with me to see General Naranjo when we wanted to buy part of his land. The trouble was the piece we wanted took so much money to acquire that we were on the alert to acquire a smaller piece anywhere, so that the Indians could live on their own land. But to say that I had agents, I could not admit I had a regular agent or agents.

Mr. EMBRY. As to the testimony about the fair-ground transaction at Shawnee, you sold that to Benson. How many acres were in that tract of land at first? How large was it—80?

Mr. BENTLEY. The original allotment was 80 acres.

Mr. EMBRY. Whose allotment was it?

Mr. BENTLEY. Pah-pe-seick's.

Mr. EMBRY. Did you contract with Benson, for the fair ground people, to sell them that land for \$10,000 and secure deeds from the Indians?

Mr. BENTLEY. No, sir; I can not say I did. There was rather a peculiar situation there. The fair association had 10 shares. It was in 10 parts, and there was an agreement made between myself and somebody, some of the stockholders, a majority of them, I think, that for one share of the fair-ground stock, one-tenth of all of it, I should be given one share if I aided them in the purchase of the land and saw that they got a proper title to it. There was a great deal of rumor about heirs that had not been heard of. They were scary about it, and that was their proposition to me.

Mr. EMBRY. Did you represent to them that you could secure a conveyance for \$10,000?

Mr. BENTLEY. My recollection is that at the beginning of the negotiations it was negotiated on a basis of \$10,000; that perhaps a deed was signed; that I became satisfied it was wrong. The land was worth a great deal more money, and I wrote to Mr. Field and requested him to go and see Senator Platt, of Connecticut, and I think the efforts made by Mr. Field defeated the deeds and the lands were put up and sold to the highest bidder, and when the second deeds were made I demanded a written contract of these people, and the stock was hardly worth anything. I think \$100 was its value. The stock was to pay me, I think, \$100 a share, and was purchased to pay me for my work. But the city grew beyond the expectations of anybody and the land became very valuable there, and Mr. Benson, who held the share of stock for me in escrow, sold it for \$1,250 and kept the money, although the association paid but \$100 for it. My contention in court was that had he retained it and left it to my disposition I might have got \$2,500 for it, and I sued him for that amount.

Mr. EMBRY. Do I understand you just secured from the heirs \$10,000 to sell this land on condition?

Mr. BENTLEY. I can not say it in that way. Some of the heirs signed a deed, I think. I got some of them to sign—one or two of them—a deed for \$10,000, but it was afterwards that the land brought \$37,900—from the sale afterwards.

Mr. EMBRY. What part had you in turning down that \$10,000 deed?

Mr. BENTLEY. We considered the land was selling for too little, and through Mr. Field we got Senator Platt to intercede.

Mr. EMBRY. Intercede where?

Mr. BENTLEY. Here in Washington.

Mr. EMBRY. At the Department?

Mr. BENTLEY. I think he went to the Department in person. It was heirship land and belonged to minor orphan children principally. I think Mr. Field wrote me at the time that the Senator took the position that the land should be put up for those heirs and sold to the highest bidder, and I think Senator Platt was responsible for the rule being put into effect by the Secretary. I do not know that he was, but I know the land was put up and sold at that time to the highest bidder.

Mr. EMBRY. While you were under contract with Benson for the fair-ground people to sell the land for \$10,000, you and Mr. Field were trying to defeat that price?

Mr. BENTLEY. I saw, in view of the way the town was growing, that it was not a proper trade for the Indians, and did defeat it, and made a new contract with them. They never paid me anything for it.

Mr. EMBRY. Did you advise Benson and the fair-ground people that in your judgment the trade should not be made for \$10,000, and defeated it?

Mr. BENTLEY. I think I advised several of the stockholders that it was unfair to the Indians, but I am quite certain I did not disclose to them my plan of defeating the deed. If I did, they would have been on the alert and pushed their deed on through.

Mr. EMBRY. Now, as a matter of fact, that deed was pending for approval at that time?

Mr. BENTLEY. Yes, sir; I think that is the rule; that caused the rule to be changed.

Mr. EMBRY. You want to be understood now as being under contract with these people to secure that land for a consideration of \$10,000?

Mr. BENTLEY. No, sir; I was not under a contract to get it conveyed for \$10,000. I was under contract to see that they got a proper title and that the proper heir signed that deed, and the land association agreed to give me one-tenth of their stock, which was satisfactory. I thought at the time it was wrong, but I was in a position with the people at Shawnee to know that I could not afford to antagonize those men. They fought me desperately, but I did not say anything to them on account of the steps I took to defeat that deed.

Mr. EMBRY. At the time you allowed them to understand you were acting for them to secure this land for \$10,000 you knew the land was worth more than that?

Mr. BENTLEY. No, sir; I knew at the actual time the deed was first signed that I did not think the land would have brought much more. A great boom came on, and the indications were that the land was

sold too cheap, and I attempted to defeat that deed. I never recorded it. They got \$27,900 more than they would have if the first deed had not been defeated.

Mr. EMBRY. Was it not an easy matter to have suggested to the Department not to approve that deed, and such a suggestion would not operate to change the rules?

Mr. BENTLEY. I think a suggestion from me would have been to approve the deed. It would have had the very effect.

The CHAIRMAN. Do you think it is unfortunate that the rule has been changed?

Mr. EMBRY. Yes, Senator; I think so.

Mr. BENTLEY. One deed was pending for \$8,000. That tract of land brought \$28,300 more, but the parties who bought that land were strong men, and they would have got a deed for \$8,000 had the rule not been changed, but when these two tracts were sold under the new rule they brought \$50,000 more.

Mr. EMBRY. What I was asking about was the peculiar situation you were in in dealing for these people.

Mr. BENTLEY. I am free to disclose my position in it. I could not favor those bankers to get land for less than it was worth. The Indians trusted me and the bankers did not. The Indians would trust no one but me.

Mr. EMBRY. After the rule was changed did you have a further contract with them?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. What was that contract?

Mr. BENTLEY. The same contract.

Mr. EMBRY. It was renewed, was it?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. That was reduced to writing?

Mr. BENTLEY. Yes, sir; and I am now suing Benson for my original share of the fair-ground stock, which was only a fee of \$100 originally. The growth of the city made my fee high.

Mr. EMBRY. Was it attached as an exhibit to the papers?

Mr. BENTLEY. It is in Mr. Blakeley's possession at this time.

Mr. EMBRY. You are a lawyer in Oklahoma, are you not?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. You know that a copy of the agreement must be attached to the petition?

Mr. BENTLEY. Yes, sir. I know since this suit has been instituted that I have been unable to find that agreement until recently. My wife found it. I delivered it to my attorney, and if he has not attached it he has been neglectful of his duty in the matter. It is signed by Mr. Aydelotte and Mr. Benson and the banker who appeared before the committee at Shawnee, Mr. Douglas—they were some of the parties in interest—also Mr. J. M. Remington.

Mr. EMBRY. Now, I observe that this copy of contract attached to your petition is dated Shawnee, Okla., June 30, 1902. That was evidently the first contract, was it not?

Mr. BENTLEY. That is the only contract.

Mr. EMBRY. That was the contract entered into, after which you procured the \$10,000 deed?

Mr. BENTLEY. No, sir; this relates to the last transaction when the land was put up and sold to the highest bidder. They got no

title. There is nothing due me until they get the title, and the land is sold.

Mr. EMBRY. Is it not a fact that the law allowing the sale of Indian land was not passed until 1902?

Mr. BENTLEY. No; I think you are mistaken.

Mr. EMBRY. Is it not a further fact that the rules of the Department requiring that it be sold to the highest bidder was a long time subsequent to that, sometime in 1903 or 1904?

Mr. BENTLEY. No, sir; I think you are mistaken. Had that been so there would have been no occasion for this contract.

Mr. EMBRY. Will you examine into that and ascertain whether that is a fact?

Mr. BENTLEY. Yes, sir; but I am very certain that the law went into effect in 1901.

Mr. EMBRY. I offer the amended petition in evidence. It is as follows:

*TERRITORY OF OKLAHOMA, Pottawatomie County:*

In the district court for the said county and Territory. Martin J. Bentley, plaintiff, v. C. J. Benson, defendant.

*Amended petition,*

Comes now the plaintiff in the above-entitled action, and with leave of court first having been obtained, and files this his amended petition and complaining of the defendant, for cause of action alleges and says:

First. That during the years of 1902, 1903, and 1904 the plaintiff was a duly admitted and licensed attorney at law, and was duly and regularly licensed to practise law in all of the courts of the Territory of Oklahoma, and was engaged in the practise during the said time, and was also engaged in the real estate business in the city of Shawnee in the said county and Territory, and was so engaged in the said law and real estate business at all of the times in this amended petition mentioned.

Second. That on June 30, 1902, the plaintiff entered into a written contract and agreement with the Pottawatomie County Fair and Driving Association, the said Pottawatomie County Fair and Driving Association being at the said time a corporation duly organized and existing under, and by virtue of the laws of the Territory of Oklahoma, with the capital stock of ten thousand (\$10,000) dollars fully paid up, and that by the terms and conditions of the said contract the plaintiff agreed to assist the said association in securing a deed to and buying a certain tract of land then occupied by the said Pottawatomie County Fair and Driving Association for their fair and racing ground, to-wit:

All that portion north of the right of way of the Choctaw, Oklahoma & Gulf Railroad Company in the east half ( $\frac{1}{2}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of section twenty-two (22), township ten (10) north of range three (3) of the Indian meridian, in the said county; and the said Pottawatomie County Fair and Driving Association agreed therein that it would pay the said plaintiff or deliver to him free of cost, ten shares of the stock of the Pottawatomie County Fair and Driving Association, and that the said Bentley should have assigned and transferred ten shares of the aforesaid in full payment of his services rendered and performed as agent and attorney for the said association, in procuring a deed to the said tract of land. A copy of the said contract is hereto attached, marked "Exhibit A" and made a part of this petition.

Third. That the said tract of land was at the time an Indian allotment, having been allotted to one Pah-pe-shick, a member of the Mexican Kickapoo tribe of Indians, and that the said allottee was at the time of making the said contract deceased, having died intestate, and his heirs being members of the said tribe of Indians, consisting of two polygamous wives and three sons, the children of such wives, and the said land could be, under the law of the United States of America, then sold by such heirs as inherited land.

Fourth. That in pursuance of the said contract and agreement, the said Pottawatomie County Fair and Driving Association, by and through its officer

and agent, the said defendant, purchased ten certain shares of stock from Harry Mead, paying therefor the sum of one hundred (\$100) dollars, and they agreed that the said Benson should hold the said shares of stock until the performance of the said conditions by the said plaintiff, and upon the performance of the said conditions above by said plaintiff that the said shares of stock should be delivered to this plaintiff in full payment of his said service, the said Pottawatomie County Fair and Driving Association paying all of the assessment made upon its said stock for the purposes of buying the said tract of land, and that the said defendant, under the terms of the said written contract and for the purposes of assisting the said Pottawatomie County Fair and Driving Association to perform the same, held the said stock and paid the assessments thereon for and as agent for the said Pottawatomie County Fair and Driving Association.

Fifth. That in compliance with the said agreement and the terms thereof, the plaintiff alleges that he assisted the said Pottawatomie County Fair and Driving Association in procuring a deed to the said tract and performed a large amount of service in this, to wit, drawing petitions to the Interior Department, in procuring the signatures thereto of the heirs to a deed to the said premises; drafting affidavits required by the honorable Secretary of the Interior; and did procure a deed in regular form for the said premises, to be approved by the honorable Secretary of the Interior; and did procure the evidence of the heirs of the said deceased allottee; and the said Pottawatomie County Fair and Driving Association accepted such service as full compliance with the terms of the agreement made by the plaintiff with the said association and directed defendant to deliver the said shares of stock to the said plaintiff; but said defendant, in disregard of the rights of the said plaintiff, refused to deliver the same and sold the said stock and converted the same to his own use, and thereby deprived the said plaintiff of the said stock.

Sixth. That the said plaintiff further alleges that by reason of the said premises that he was, on the first day of January, 1904, the owner of the said certificate for ten shares of the capital stock of the said association then in possession of the said defendant, and that he was entitled to the possession of the same, but that the said defendant, C. J. Benson, refused upon demand of the said plaintiff to deliver the same to him and wholly refused to account to the plaintiff for the same, but converted the same to his own use, to the plaintiff's damage.

Seventh. That at the time of the said conversion the said ten shares of stock was worth the sum of twenty-five hundred (\$2,500) dollars, and that by reason of the said conversion the plaintiff has been damaged in the sum of twenty-five (\$2,500) dollars, with interest at the rate of seven (7%) per cent from the date of the conversion.

Wherefore, the premises considered, the plaintiff prays that we have judgment against the said defendant for the sum of twenty-five hundred (\$2,500) dollars, with interest at the rate of seven (7%) per cent from the first day of January, 1904, and for the costs of this action.

*Attorneys for Plaintiff.*

Mr. EMBRY. The first effort was to secure the entire 80 acres allotment for the fair-ground people, was it not?

Mr. BENTLEY. My recollection is not clear as to that. It may have been or may not have been. I am not certain.

Mr. EMBRY. To refresh your memory, I read your amended petition describing the land as all that portion "north of the right of way of the Choctaw, Oklahoma and Gulf Railroad Company in the east half of the northeast quarter of section 22, township 10 north of range 3, of the Indian meridian, in the said county." What portion of the allotment is that; what proportion is it?

Mr. BENTLEY. That relates to a tract of land of about 36 acres, that portion lying north of the railroad track, which brought over a thousand dollars an acre.

Mr. EMBRY. In the subsequent sale it brought \$37,900?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Now, the other portion of that quarter sold for how much, if it was sold?

Mr. BENTLEY. It brought much less—I think \$8,000 for what was left of it; it was across the track and in a different locality, and cut up by railroad right of way and switches.

Senator CURTIS. In May, 1902, that law passed?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Do you not think that was the original contract you made, and that you made that contract before the Secretary changed the rules requiring that they be sold to the highest bidder?

Mr. BENTLEY. No; I do not think so.

The CHAIRMAN. Oh, we can find that out. Have you not got that there, or something relating to it?

Mr. EMBRY. I have a letter I want to ask Mr. Bentley about in this connection. I will look it up and call attention to it later.

The CHAIRMAN. Call his attention to it in the morning.

Mr. EMBRY. Yes, sir. I understood from the testimony that a commission was paid at the time the Okema land was sold. Explain that?

Mr. BENTLEY. Well, my understanding of the transaction was that Mr. Ives made a net price to a real estate firm of \$32,000, and the real estate firm organized a syndicate, and they capitalized that for \$39,000, and of course they got their stock for nothing, the two fellows who did the organizing. The net amount that went to Mr. Ives in notes and in money was \$32,000—\$15,500 in cash—and the only commission that I know was paid out of the \$32,000, or the net price to Ives, was \$250 paid to Joe Clark, and I noticed that Ives did not seem to have taken the other \$250, though I suggested at the time that they each take \$250.

Mr. EMBRY. Who were these people who formed this syndicate to sell the Okema land?

Mr. BENTLEY. It is in the record here, the names and all the data about it. I think I can turn to it readily. I saw it in here the other day.

Mr. EMBRY. You can look that up later. Now, I see in Ives's account this entry, "Commission on resale of Okema and Thi-the-qua land, \$500."

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. You heard the testimony of Ives?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. And \$250 of that was to be paid to Joe Clark?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. And \$250 for himself, or to himself.

Mr. BENTLEY. The Indians are still in debt to Ives. I was paid nothing.

Mr. EMBRY. Ives has asked credit for this \$250 in this account filed at Shawnee. Is he charging the Indians here in this account?

Mr. BENTLEY. Yes, sir; I expect he is, but I suppose he means they have not paid him anything out of it.

Mr. EMBRY. Have you examined Ives's account in that particular?

Mr. BENTLEY. I have looked it over pretty carefully.

Mr. EMBRY. You are a sufficient business man to know that that \$500 is a charge against the Indians in their account?

Mr. BENTLEY. Yes, sir; but it still leaves a balance due from the Indians. His object in saying he received nothing was that he expended more than he received.

Mr. EMBRY. You stated you suggested that a commission of \$250 be paid to Joe Clark and \$250 to Ives?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Joe Clark was a member of the firm of M. J. Bentley & Co. at that time, real estate dealers?

Mr. BENTLEY. I can not say he was. If he so considered himself I never got any part of the commission. He got \$250 and did not pay me anything. I did not expect anything. I never charged him with any part of the \$250. I had nothing to do with the sale. It was conducted in my absence.

Mr. EMBRY. Was there not a house and lot transaction connected with this Okema matter somewhere?

Mr. BENTLEY. That is what I have been trying to explain. This real estate syndicate put in a certain amount of money, and I think there was a house and lot, or something that we accepted as a valuation. Perhaps six or seven thousand dollars, and that was the profit of the fellows who worked up the deal and had the other fellows to put in their money. Ives afterwards deeded the land to some of them.

Mr. EMBRY. Deeded which land?

Mr. BENTLEY. The house and lot, the property that was deeded to him in the trade, he never claimed it. He was to have a net price of \$32,000.

The CHAIRMAN. For all of it?

Mr. BENTLEY. For all of it. These real estate men were very smooth fellows. They got in there and had an interest in the land for nothing. They got the houses and lots for nothing.

The CHAIRMAN. As I understand the transaction as actually conducted they paid Ives \$15,500 cash, and they deposited about \$16,500 in notes in the bank—three notes in the bank?

Mr. BENTLEY. That is all they ever paid him.

The CHAIRMAN. And they conveyed to him two pieces of property which they valued at \$7,000?

Mr. BENTLEY. Yes, sir; I understand, and later he deeded as directed.

The CHAIRMAN. Then, as a matter of fact, the cash paid to Ives and notes put in escrow in the bank and city real estate conveyed to him did aggregate the \$39,000 in the first transaction?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. And later Ives reconveyed this city property to whom?

Mr. BENTLEY. I think the record here shows that he conveyed it as these men who promoted the syndicate deeded—either to them directly or to whom they directed. He had no interest in it. They got him \$32,000. If they had got \$46,000 he could not have claimed anything above the net price. It is the ordinary way of handling real estate. The land sold for much more than it was worth.

The CHAIRMAN. The Okema land?

Mr. BENTLEY. The 154 acres. It was never worth that much money and never will be.

The CHAIRMAN. Where is it with reference to the city?

Mr. BENTLEY. It adjoins the tribe lands. It adjoins the bluff on the Canadian River. It is an undesirable piece of land except that it is close to town.

The CHAIRMAN. I want to understand this a little. Ives got this in trust?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. And he offered it for \$32,000?

Mr. BENTLEY. Yes, sir. This real estate syndicate said, "We will take it and sell it and everything we get above \$32,000 will be our commission," and they in trade got a valuation, I think, of \$37,000 or \$39,000 on it.

The CHAIRMAN. They made \$7,000 or \$8,000 out of it?

Mr. BENTLEY. Yes, sir; on that property.

The CHAIRMAN. Did they take it in property or cash?

Mr. BENTLEY. In property. I think they turned around and mortgaged that property. I think at their instigation Ives made a mortgage, and that enabled them to get out of the property what they put in as their cash part in the syndicate. They are two professional real estate men in Shawnee.

Mr. EMBRY. In looking over Ives's account I observe an item has been charged here against the Indians for office rent. Just give a general explanation about it.

Mr. BENTLEY. He pays some little office rent there for the Indians, whatever it comes to.

The CHAIRMAN. How much is it?

Mr. BENTLEY. Very little.

Mr. EMBRY. The items are not large, but considerable in number. Here is for August 1, rent on office, \$15; September 1, rent on office, \$15; October 6, rent on office, \$15.

The CHAIRMAN. He pays \$15 a month?

Mr. BENTLEY. Yes, sir; that is what he pays. I think you will find in the other part of the report that he took somebody in there with him.

Mr. EMBRY. Here is an item charge under date of July 23, 1906: "Paid Mary Penetho (M. J. Bentley) \$207." What does that entry show?

Mr. BENTLEY. I am unable to say, unless possibly I may have written Ives or asked him to pay Mary Penetho \$207.

Senator CURTIS. Would not that indicate he had paid it to you?

Mr. BENTLEY. No, sir.

Senator CURTIS. That would indicate it from that charge?

Mr. EMBRY. Do you not think that indicates that he paid to Mary Penetho \$207 for you?

Mr. BENTLEY. I think so, but I am not certain.

Mr. EMBRY. How much of this money did you borrow from Mary Penetho, if any was repaid to her in that way by Ives?

Mr. BENTLEY. None of it, unless this is it, and that may have been on some other account. I do not know. You may find the credit there where he may have collected it for her.

Mr. EMBRY. Here is an item of July 13: "Paid M. J. Bentley draft, \$1,250."

Mr. BENTLEY. That is a part of the money received from Johnny Mine's allotment. I received that at Eagle Pass.

Mr. EMBRY. Of date August 2, "Draft M. J. Bentley, \$6,000?"



Mr. BENTLEY. Yes, sir; \$4,000 of that \$6,000 is secured by a mortgage, as Ives testified, some more money loaned me. The other \$2,000 Mrs. Bentley returned to Ives, as I understand.

Mr. EMBRY. Now, in making up your account you can very easily indicate in your schedule such items as you received from these accounts?

Mr. BENTLEY. There are only two or three of them.

Mr. EMBRY. So that the two can be compared?

Mr. BENTLEY. Yes, sir; all the money I received for Indian lands came through Ives. I have not sold any.

Mr. EMBRY. Under date of October 31, "To cash, J. H. Everest, per attached copy of statement, \$64.40." Now, the copy of statement appears to be a transaction with Everest for some legal work; was it?

Mr. BENTLEY. Yes, sir; perhaps a trip here to Washington, and Everest worked in numerous lawsuits that he had been looking after.

Senator CURTIS. Did not Ives state before this committee that he had secured Everest to come on here and help get some patents issued?

Mr. BENTLEY. Everest came and was paid \$500 and expenses. That may be a part of it. I paid a part of it and Ives paid a part of it. The item to Penetho, I think, was to reimburse me for the part I paid to Everest. I am not certain.

Mr. EMBRY. In this copy there is this entry: "To balance Shawnee township account, \$338." What is that?

Mr. BENTLEY. I do not know what that is. That is probably part of the Everest fee and expenses that Ives paid, and the other \$500 must be for services in something else.

Mr. EMBRY. October 19 there is this entry: "Services, Ticer sale, \$200." What is that?

Mr. BENTLEY. That is Everest's commission for aiding Ives in the sale of a piece of land up there.

Mr. EMBRY. Then Everest also received a commission additional to his legal services in selling land?

Mr. BENTLEY. He has been paid for land he has sold 5 per cent. If it was not paid we could not have sold any of it. Everest is known as a sound land lawyer and title lawyer in that country, and where he passes on a title people will buy the land. They will not buy it on the examination of some other attorney, and we pay him for making a sale 5 per cent as a fee or commission. I do not know how you term it.

Mr. EMBRY. Here is an entry under date of December 22: "By cash, Everest, to apply on Bentley notes, \$585.35." What is that?

Mr. BENTLEY. I borrowed from Everest in August, 1906, \$5,000, for which Mrs. Bentley gave her note and a mortgage on some land that was held in trust, and when some money came into Ives's hands for the sale of some land he applied it to that note and mortgage. I want to state that that \$5,000 was borrowed from Everest to reimburse my overdrafts at the Border National Bank, where I had paid to Indians, or advanced certain Indians money on land who had made deeds to me at Eagle Pass; about \$13,000 was paid to Indians there.

Mr. EMBRY. The San Francisco plantation—you had the title to that tract of land?

Mr. BENTLEY. Yes, sir; I have also in my grip here the deed to the tract to the Indians. If Senator La Follette has not seen those papers I would like him to see them. I have the original papers here.

Mr. EMBRY. There is now deposited at Eagle Pass, Tex., the contract conveying the San Francisco plantation to you, or the deed to you?

Mr. BENTLEY. I have that contract here. I have three instruments pertaining to the San Francisco ranch. I have, first, the deed.

Mr. EMBRY. Conveying it to you?

Mr. BENTLEY. Conveying it to me. Then the contract that I will deed it to certain Indians when it can be done.

Mr. EMBRY. What Indians are they?

Mr. BENTLEY. They are the original seven referred to in the act of March 3, 1905. Then I have an instrument drawn very recently, in November, I think, or October.

Mr. EMBRY. In this year?

Mr. BENTLEY. Yes, sir; and an authorization from six of those seven Indians authorizing me to sell that land at Muzquiz for the purpose of acquiring other lands farther west, where they now live.

Mr. EMBRY. Now, this contract which you have shown you hold in trust for the Indians, when was that executed?

Mr. BENTLEY. Just as soon as I knew the deed had been delivered and paid for at the bank. When I left Mexico I had made the trade for this land and paid \$10,000 Mexican, \$5,000 and something; I have the checks here. Pending the execution of this deed I employed an attorney and gave him a power of attorney to go where the owners were and see that a proper deed was made, instructed the bank to pay when the deed should be delivered to the bank certified as correct, and a proper deed to this attorney. Then they should pay the grantor in the deed \$5,500 more, I believe. As soon as I had notice from the bank that a proper deed had been delivered and paid for, I immediately executed a contract with the Indians to forward it to the bank and asked that it be attached to the deed.

Mr. EMBRY. What date was that, if you can approximate it?

Mr. BENTLEY. I have the original papers here.

Mr. EMBRY. Give me the date of the deed first, to you?

Mr. BENTLEY. The deed to me?

Mr. EMBRY. Yes.

Mr. BENTLEY. It is dated on the 12th day of something. It is in Spanish. I have a translation of it here in the record.

Mr. EMBRY. What is the date of the contract to convey it back?

Mr. BENTLEY. I think that is the 6th of February, if I am not mistaken. The first check given in that purchase was February 2, 1906, for \$2,063 Mexican money. The next one is the same date for \$2,063. My recollection now is that I came direct to Shawnee after making these payments. It is already shown in the record. On February 3 I drew a check to Roman Galan for \$5,037 Mexican money. My recollection is I came then direct to Shawnee, Okla. After making these payments I knew the deed would come there and I sent it back to the bank to be attached when the deed might be presented. Here are all the checks, numerous checks, receipts, and items of payment that I made in Mexico as required by law down there. The total

paid by check and for which I have vouchers in this envelope is \$11,478.31.

Mr. EMBRY. I want to ask you some things about your finances which I am skipping until we get the schedules. Let me turn to that controversy between you and Thackery about the appointment of guardians for Indian minors. What about that?

Mr. BENTLEY. There was nothing about it; only Thackery said I was not a proper person to be appointed guardian for an Indian.

Mr. EMBRY. You wanted to be appointed guardian for several Indian minors?

Mr. BENTLEY. I was already appointed guardian for several Indian minors.

Mr. EMBRY. How many?

Mr. BENTLEY. At least the mothers of the children had asked for my appointment.

Mr. EMBRY. Has that exhibit been sent to the printer?

Mr. BENTLEY. The mother of these children whose money is now being held by Willard Johnston page 19 of Thackery Exhibit No. 168. Mr. Thackery in opposing me in getting the court to appoint guardians over the protest of the mothers of these children—the result has been that \$28,590.24 of these Indians' money is now in the hands of Mr. Willard Johnston. I did not feel then nor do I now that Johnston was a proper person to hold that money. I stated to Thackery that in any instance where I was appointed guardian not only myself, but as far as I could insist, that the courts require a surety company bond and I felt very certain that the money would have been as safe in my hands under that arrangement as it was in Mr. Johnston's.

Mr. EMBRY. You know that action has been brought to compel Johnston's account?

Mr. BENTLEY. Yes, sir; I am aware of that, and I regret that Thackery in his eagerness to get the money out of Johnston's hands has taken one of those heirs worth \$10,000 and had her married to a worthless Pottawatomie Indian down there.

Mr. EMBRY. How do you know Thackery had her married for that purpose?

Mr. BENTLEY. She told me he took her over there to the country and had her married. The man came to me complaining and said that Thackery said when they got married Johnston would pay the money over to the woman.

Mr. EMBRY. Were you appointed guardian for any of the minors?

Mr. BENTLEY. Yes, sir; three or four.

Mr. EMBRY. Who were they?

Mr. BENTLEY. I was appointed guardian for—

Senator CURTIS. Are you still guardian?

Mr. BENTLEY. No, sir; by some action that Thackery brought it was held they already had a guardian. Mr. Grimes's man took my place.

Mr. EMBRY. Who is he?

Mr. BENTLEY. Hale.

Mr. EMBRY. Is Hale guardian now?

Mr. BENTLEY. I think so; and in the other case I am guardian for Nah-ah-che-thot.

Mr. EMBRY. Are you guardian now?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Has he any funds?

Mr. BENTLEY. Not a dollar ever came into my hands. On the contrary, I have paid out many dollars. That is the ward over whose land a controversy has arisen, and Mr. Thackery, in trying to sustain Grimes on the land, has blocked us from receiving any money.

Mr. EMBRY. And the Department is holding the money?

Mr. BENTLEY. I do not know who is holding it. The man or tenant now holding the land is paying court expenses.

Mr. EMBRY. You understand that the purchaser of this land put up the money?

Mr. BENTLEY. The money for the 80 acres sold that was paid for and went to this fellow Quen-ne-po-that that we were talking about this morning.

Mr. EMBRY. I understand that Grimes pretends to have bought at the agency sale a tract of land that belongs to your ward and you are antagonizing that deed?

Mr. BENTLEY. Yes, sir; I brought an action to set it aside.

Mr. EMBRY. Then Grimes advanced the money to pay for it?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. And what is the ground of your action to set aside that deed?

Mr. BENTLEY. The ground is that the grantor in that deed was not an heir; he had no right or title in or to the land.

Mr. EMBRY. That the wrong Indian sold the land?

Mr. BENTLEY. Yes, sir. They claimed if the Department approved it it must be correct, and must stand.

Mr. EMBRY. Do you make any complaints that the sale price was insufficient?

Mr. BENTLEY. No, sir; I make no charge in that regard whatever. Probably the land brought approximately what it was worth at the time.

Mr. EMBRY. It is a question of identifying the heir?

Mr. BENTLEY. It is a question of title. One Kickapoo made the sale as sole heir of a deceased minor child in whom the title did not rest.

Mr. EMBRY. It is a Kickapoo?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Your ward is a Kickapoo?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Both the Indian claimants to this land were Kickapoos?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. There would be no official duty of the agent greater to one than the other, would there?

Mr. BENTLEY. No; but then there is no defense that can be offered. Quen-ne-po-that got the money and spent it.

Mr. EMBRY. If Grimes had bought the land from the wrong Indian, it would not hurt your Indian.

Mr. BENTLEY. But if the Government dismissed me as guardian and dismissed my suit, what would be done?

Mr. EMBRY. That has not been done.

Mr. BENTLEY. An effort has been made. Thackery has been in court two or three times, because I was not a satisfactory guardian to the Secretary of the Interior.

Mr. EMBRY. How long ago was that?

Mr. BENTLEY. Two years or more.

Mr. EMBRY. And the case is now pending in the Territorial supreme court?

Mr. BENTLEY. Not that phase of it.

Mr. EMBRY. That phase is evidently involved in the heirship?

Mr. BENTLEY. That case was pending, but has never been tried. That is the case in which Grimes gave notice he would take testimony at Thackery's office on the 24th and 25th of this month. I think a very mean advantage has been taken of me and my ward in this case, because unless Thackery called the witnesses Grimes could not get their testimony.

Mr. EMBRY. About what time in this month?

Mr. BENTLEY. The 24th and 25th of last month.

Mr. EMBRY. Did you appear at the time?

Mr. BENTLEY. I could not. I was here in Washington.

Senator CURTIS. Did you have anybody to appear there?

Mr. BENTLEY. Mr. Everest should have appeared, but whether he did or did not I do not know. I have a letter from him in which he refers to the matter. He says, November 22, 1905—Levi J. Pipher. Pipher afterwards forwarded the letter to me.

DEAR SIR: Grimes has served notice on us that he is going to take a lot of depositions in Pipher v. Grimes and also in Nah-ah-che-thot v. Grimes, at Thackery's office, November 24 and 25. It is going to be necessary for one or the other of us to be there to cross-examine the witnesses. It might be a good thing for you to be present to give pointers on the cross-examination. I think Grimes is going to run in a lot of Indians on the question of whether or not Quen-nep-po-that is the legal father of Leonard Lunt and Nah-ah-che-thot. It will be necessary also to have some money to pay expenses.

Now, the committee will recall the attitude of the Indians at Shawnee. They would not talk to Grimes, or have anything to do with him. The depositions of all the Indians which were taken—

Mr. EMBRY. In this case?

Mr. BENTLEY. Yes, sir; were favorable to my ward, and Grimes taking them over to Thackery's office and taking their depositions, it is evident they will reverse themselves, and Thackery, while perhaps not defending Grimes directly, is trying to sustain the erroneous deed at the Department, which is all against my ward.

Mr. EMBRY. Now, for what other minor are you guardian?

Mr. BENTLEY. I am at this time only guardian for one.

Mr. EMBRY. You were appointed for this one in 1901 or 1902, which?

Mr. BENTLEY. I think it was 1901. My recollection is it was while I was agent.

Mr. EMBRY. Your recollection is it was while you were agent?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Then, that habit of appointing guardians for Indian minors was in vogue while you were down there. It was not a new rule?

Mr. BENTLEY. He never had anything to do with my appointment. I thought the boy's estate was not being properly handled, and I sought to be appointed guardian to protect him.

Mr. EMBRY. When did Jim Deer leave there to go to Mexico?

Mr. BENTLEY. He must have left in 1903 or 1904.

Senator CURTIS. He swore four years ago.

Mr. EMBRY. When was it that Thackery was appointed guardian of Jim Deer's child?

Mr. BENTLEY. He is not. He probably was appointed guardian. If he has been appointed guardian of Jim Deer's boy, it has been some recent thing.

Mr. EMBRY. There is something in the testimony somewhere to the effect that Jim Deer complained that Thackery was appointed or caused somebody to be appointed guardian of his child?

The CHAIRMAN. That was a long time ago.

Mr. BENTLEY. That was before Jim went to Mexico. He was living there contentedly on his land.

Mr. EMBRY. Who was the guardian of that child?

Mr. BENTLEY. Vincent. Thackery adopted a new rule there for a guardian of Indian children where the father or mother were living. Up to that time no such thing was ever thought of. The child in this instance was an imbecile and required the constant care of somebody, and Thackery let Mr. Vincent become guardian of that child and other minor Kickapoos whose parents were living, and, of course, the parents were excluded from any benefits in the land.

Mr. EMBRY. Was that the Department rule or Thackery's rule?

Mr. BENTLEY. I do not know whose rule it was, but I knew it was wrong where the parents were occupying land, and especially where the child was an imbecile---

Mr. EMBRY. Is it not a fact that in 1902 you and Thackery had some controversy about that? You wanted to be appointed for a number of minors and Thackery objected. Is not that true?

Mr. BENTLEY. No, sir; a number of mothers sought to have me appointed guardian of their children, and Thackery opposed it, and in this case spoken of here, shown on page 19, is one of those instances where the mothers of these children went into court and decided who should be elected guardian, and Thackery opposed them, and Johnson was appointed.

Mr. EMBRY. These were people who had gone to Mexico, and you wanted to be appointed guardian of their land?

Mr. BENTLEY. No, sir; Mary Penetho, whose children were the principal beneficiaries, never went to Mexico. She is in Shawnee yet.

Mr. EMBRY. Was she expecting to go to Mexico?

Mr. BENTLEY. No, sir; she has never shown any disposition to go to Mexico.

Mr. EMBRY. Was not the controversy between you and Thackery about this guardianship; that you wanted to be appointed guardian of the children whose parents went to Mexico, so that you could collect the rent of the children's land in Oklahoma?

Mr. BENTLEY. I do not know that the Mexican feature had anything to do with that. I know I came here before the full Indian Committee of the Senate and represented to them that those minors

who were nonresidents in Mexico should be permitted to lease their lands through the natural guardians.

Mr. EMBRY. Was that in 1902?

Mr. BENTLEY. It was later; but the committee agreed that they should be under their own management and control. This controversy as to Mary Penetho and her children about \$20,000—she is not a Mexican Kickapoo; she is a Kansas Kickapoo.

Mr. EMBRY. You stated something about the conduct of Scothorn. As a matter of fact, the time you were indicted Mr. Scothorn came down there as prosecuting attorney.

Mr. BENTLEY. Yes, sir; I think he was attending the grand jury.

Mr. EMBRY. Did he exhibit any feeling against you at that time?

Mr. BENTLEY. I think he did. I could not feel otherwise. He told me there was nothing in it.

Mr. EMBRY. And he let you escape without prosecution?

Mr. BENTLEY. Why should a United States attorney procure an indictment against you and say in the face of it there was nothing in it?

Mr. EMBRY. Who procured the indictment?

Mr. BENTLEY. Scothorn and Thackery. But anybody who knew anything about the circumstances would know there was no occasion—

Mr. EMBRY. You are certain Scothorn was the one who procured the indictment against you?

Mr. BENTLEY. I do not know that he is the one, but I have talked with him.

Mr. EMBRY. Talked it over with him before or after the indictment?

Mr. BENTLEY. Before and after. George Outcalt was the United States commissioner at that time. Outcalt treated it as a joke; said he never arrested me for stealing mules; that the Department was after me. I was never tried.

The CHAIRMAN. Was Scothorn, the lawyer, before the grand jury?

Mr. BENTLEY. It is my recollection he was. Scothorn had me indicted for giving beer to a white man who was an Indian by adoption, not by blood, without regard to law or anything else. I should like to have been tried on some of those counts, but they never tried me. The Indians suffered more than I did. I had to come back to court every time and had to spend their money in going back and forth.

Mr. EMBRY. You said something this morning about Thackery's expense account showing that Conine was employed at the time Grimes was using him. What is the basis of that statement?

Mr. BENTLEY. It is this, as shown by my statement in the committee print on page 4, on the 22d day of June. At the time alluded to in my statement on page 4 Conine was there assisting Grimes and Brown, and I understood Mr. Thackery's Indian account, which is probably in the record somewhere, shows that he was in Thackery's pay on that day.

Mr. EMBRY. On what day?

Mr. BENTLEY. The 22d day of June, 1906. Of course I do not know why Thackery should have paid him for that day. I have no suggestion to offer.

Senator CURTIS. That would be true of every day he had him, when he was under the employ of these other people by the month at \$150 per month for the same month that Thackery paid him for ten or twelve days' work. Thackery paid him \$30 for work during the same period he was on the pay roll of these other people?

Mr. BENTLEY. The fact of it is that for those particular days that Thackery paid him for he was assisting Grimes to rob the Indians

Mr. EMBRY. Do you know that personally?

Mr. BENTLEY. I am speaking from the record as to the pay and from personal knowledge as to what he did.

Mr. EMBRY. What do you know of it personally?

The CHAIRMAN. You do not mean Thackery. You mean Conine.

Mr. BENTLEY. Conine.

Mr. EMBRY. What do you know about Grimes?

Mr. BENTLEY. I will read from page 4:

On June 22, at Baroteran station, Mexico, I overheard a conversation between L. C. Grimes and Al Brown. I was sitting in a caboose in the freight yard and these men left the passenger station, apparently seeking some secluded place where they might talk uninterruptedly. They went behind this caboose, where they talked for some time. I sat in the corner near a window, not more than 3 feet from them, and could distinctly hear all they said.

Mr. EMBRY. That is your statement?

Mr. BENTLEY. That is my statement. At that time Conine was also present about the station assisting them in trying to get the Indians away from me.

Mr. EMBRY. That was at Baroteran at the time you were seeking to escape the country?

Mr. BENTLEY. No, sir; I was not seeking to escape anybody at that time. It was before my arrest.

Senator CURTIS. Was Conine there that day?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. Did you state that in your statement; do you know he was there?

Mr. BENTLEY. I saw him there. He came with the policemen and took those Indians away from me, and I think there is a telegram in the record from him to Guajardo or Outcalt or somebody that I had gotten the Indians away from him finally.

Mr. EMBRY. Did you see Mr. Outcalt there?

Mr. BENTLEY. No, sir.

Senator CURTIS. You said Outcalt was there. You mean Conine?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Outcalt was not there that day?

Mr. BENTLEY. I did not know it at the time. The record will probably disclose that Outcalt was there.

Mr. EMBRY. I am asking you what you know? You did not see him there that day?

Mr. BENTLEY. No, sir.

Mr. EMBRY. You do not know whether he was there or not?

Mr. BENTLEY. No, sir; but I think the record will show he came down there that day.

Mr. EMBRY. The record will show without you disclosing what you think.

Mr. BENTLEY. I did not see him, but am entitled to cite the record.



Mr. EMBRY. You saw Conine?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. And Grimes?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Did you see anyone else?

Mr. BENTLEY. No other white man that I recall, except Edwin Ludlow.

Mr. EMBRY. Can you turn to Mr. Thackery's expense account there?

Mr. BENTLEY. I think I can.

Mr. EMBRY. Do you know what date it was when Thackery left Eagle Pass for Oklahoma, to return to Oklahoma?

Mr. BENTLEY. I do not remember. I was not there when he left.

Mr. EMBRY. What does the record show—do you know?

Mr. BENTLEY. No, sir; I do not recall.

Senator CURTIS. This account shows that on the 24th of June he bought a ticket.

The CHAIRMAN. That is the day he must have left.

Mr. BENTLEY. Thackery came to Muzquiz once while I was in prison and was advised to drive at night to get there quick.

Mr. EMBRY. Did you see Thackery on the day you were acquitted, on the 29th?

Mr. BENTLEY. I will not be positive about that, but it is my recollection that he was around there that day.

Mr. EMBRY. You were at Muzquiz, were you not?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. And you think he was there that day?

Mr. BENTLEY. Yes, sir; I saw him during the time I was in prison. I saw him outside through the grates there.

Mr. EMBRY. You do not know that he was advised that this man Conine was in the employ of these other people, do you?

Mr. BENTLEY. No, sir; I had no knowledge on that subject as to what he knew about Conine. Outcalt and all of them were around there together. Thackery held himself aloof from them and did not go into saloons, as they did.

Mr. EMBRY. Is it not a fact that three or four Americans being in Muzquiz would naturally drift together unless they were especially odious to each other?

Mr. BENTLEY. I do not know the character of the people there.

Mr. EMBRY. How large a place is Muzquiz?

Mr. BENTLEY. Ten thousand.

Mr. EMBRY. Now, this place where the hotels were, what hotels were there?

Mr. BENTLEY. Two good hotels; probably no difference in them; one off from one corner of the plaza, and one off from the other.

Mr. EMBRY. There is one plaza between the two hotels?

Mr. BENTLEY. Yes, sir; that is the way of good hotels.

Mr. EMBRY. This was in May and June?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Naturally the guests from the hotels would drift into the plaza?

Mr. BENTLEY. Yes, sir; it was not unusual to see anybody out in the plaza, but the storm center seemed to be Outcalt's office and the saloon under his office.

Mr. EMBRY. Where was his office?

Mr. BENTLEY. Upstairs over a saloon.

Mr. EMBRY. What relation had the saloon to the hotel, if any?

Mr. BENTLEY. The same man who ran the hotel had rooms upstairs.

Mr. EMBRY. Was it the same building?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Is it not an unusual thing to see a saloon down there in a hotel?

Mr. BENTLEY. No, sir; not unusual.

Mr. EMBRY. And his office was upstairs on the second floor?

Mr. BENTLEY. Immediately over the saloon.

Mr. EMBRY. But it belonged to the hotel, a part of the hotel?

Mr. BENTLEY. The room?

Mr. EMBRY. Yes.

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Now you say that the storm center seemed to be Outcalt's office. How many times did you observe that fact?

Mr. BENTLEY. Grimes and Beatty and Brown and the drunken Indians, everybody who seemed to congregate around that saloon were upstairs—were up and down, in and out there.

Mr. EMBRY. Did you see them congregate in and out of Outcalt's office?

Mr. BENTLEY. He stayed in the saloon most of the time, and when he was in his room they congregated around there. Outcalt was in company with Grimes more than anybody else.

Mr. EMBRY. How many times did you see Outcalt in that saloon?

Mr. BENTLEY. Every time I was in town.

Mr. EMBRY. That was how many times?

Mr. BENTLEY. I could not tell.

Mr. EMBRY. Approximately?

Mr. BENTLEY. I suppose four or five times while I was there. A good many days I drove in in the afternoon and in the evening would go back into the Indian camp.

Mr. EMBRY. You think you saw him in the saloon every time you were there?

Mr. BENTLEY. I do not think I would be there very long before I would see him. I saw him once in his room. I went up to his room and tried to reason with him.

Mr. EMBRY. What other time did you see him except in his room?

Mr. BENTLEY. In the plaza.

Mr. EMBRY. What other time?

Mr. BENTLEY. I expect I met him in the plaza two or three times, and I saw him out at the Indian camp.

Mr. EMBRY. Have you any distinct recollection of seeing him in the saloon?

Mr. BENTLEY. Yes, sir; I am very positive.

Mr. EMBRY. How many times, and on what occasion was that?

Mr. BENTLEY. I can not give the exact classification. It was a general thing.

Mr. EMBRY. Are you not trying to draw on your general recollection without having distinct knowledge?

Mr. BENTLEY. No, sir. As to Outcalt being drunk in Muzquiz, and drunk at the bar where the Indians stood up and drank, I observed

it several times. I do not want to say it was two times or five times. I saw him up to the place as much as two times.

Mr. EMBRY. At the saloon?

Mr. BENTLEY. Yes, sir; I was looking for some of our Indians to get them away from some of those fellows, and I saw him there drunk with some of the Indians. I do not want to say he may have been treating the Indians, but he was there drinking with the white men and Indians.

Mr. EMBRY. Now, you say you went to his room to talk with him on one occasion. What did you and he discuss.

Mr. BENTLEY. The record he had.

Mr. EMBRY. The record touching those seven allotments?

Mr. BENTLEY. That and the testimony given here before the Senate committee. He had a full knowledge of all that had been stated, apparently.

Mr. EMBRY. Did he tell you then he had come to make an investigation of the seven allotments?

Mr. BENTLEY. He told me he had come there to break up our business, as he put it.

Mr. EMBRY. What did you tell him?

Mr. BENTLEY. I told him if he was fair, so far as our affairs in these matters were concerned, I had no objection to any Indian coming to Muzquiz to testify.

Mr. EMBRY. What did he say about wanting to make this investigation of these seven allotments?

Mr. BENTLEY. He did not say very much about the investigation. He said he was going to take testimony when he got ready.

Mr. EMBRY. As a matter of fact, he wanted to go to the Indian camp and interrogate them there?

Mr. BENTLEY. He refused to take their testimony in Muzquiz.

Mr. EMBRY. He wanted to go to the Indian camp and take their testimony there and you objected?

Mr. BENTLEY. No, sir; the Indians objected.

Mr. EMBRY. Now, those Indians had been doing what you wanted them to do?

Mr. BENTLEY. In some things; in many things they were not. The Indians themselves went to the authorities and protested against Outcalt coming into their camp. Not only that, but they raised a row with the Indians coming in there.

Mr. EMBRY. You mean to say you did not instigate that?

Mr. BENTLEY. I mean to say that I was out of the camp when Outcalt came.

Mr. EMBRY. Do you mean to say you did not instigate that?

Mr. BENTLEY. I mean to say that when Outcalt was first ordered from the camp the Indians acted on their own initiative; yes, sir. I had nothing to do with it.

Mr. EMBRY. Why did you not make arrangements for his coming to the camp and taking their depositions there?

Mr. BENTLEY. I had no faith in his purpose. I believed then, as I do now and as I know now, that he was there to assist Grimes to beat these Indians out of their lands.

Mr. EMBRY. Why did you not make arrangements for Thackery to come out there and take the depositions?

Mr. BENTLEY. Thackery and I did not have any conversation together.

Mr. EMBRY. Anyway, you did not aid them in the investigation as to those seven allotments?

Mr. BENTLEY. They never made any investigation, as I understand it. They called it an investigation, however.

Mr. EMBRY. Now, there was something said here in your testimony about a letter to Senator Teller, which has been referred to. I understood you to say that the Indians dictated that letter through their clerk?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Who was their clerk?

Mr. BENTLEY. E. P. Erney.

Mr. EMBRY. Erney was in your employ, was he not?

Mr. BENTLEY. He was in the employ of the Indians, and paid from their funds.

Mr. EMBRY. Paid by you?

Mr. BENTLEY. He was clerk for the Indians; I paid him.

Mr. EMBRY. There is yourself and Erney and Mr. Gostin and Mr. Ives, all associated in this matter?

Mr. BENTLEY. Gostin is only an employee of the Indians. He is their farmer. Mr. Ives is one of their trustees.

Mr. EMBRY. And you are kind of general manager of all. Is not that a fact?

Mr. BENTLEY. The Indians looked to me for everything.

Mr. EMBRY. Do you know Erney could not have been there at that time without your consent?

Mr. BENTLEY. He was employed and taken there by me as clerk to the Indians.

Mr. EMBRY. He was your clerk to those Indians. That is a correct designation of it, is it not?

Mr. BENTLEY. I do not think so. That is hardly a proper designation, because while he was employed by me he was employed for the Indians.

Mr. EMBRY. He knew your feelings and your expectations and all your plans with reference to these Indians, did he not?

Mr. BENTLEY. I can not say he did. He was a faithful clerk and there was no more harmonious fellow anywhere.

Mr. EMBRY. Where were you when this letter was written?

Mr. BENTLEY. My recollection is the Indians got together and had prepared a letter in a shambling way, devoid of dates and so on, and I think I supplied them some dates.

Mr. EMBRY. You were present at the time and aided in the preparation of that letter?

Mr. BENTLEY. No, sir; not the body of the letter. They got together and told Erney what they wanted to say and represent, and then I saw that it was put into the proper form.

Mr. EMBRY. And then Erney reduced it to writing?

Mr. BENTLEY. That is my recollection of it.

Mr. EMBRY. Now about this new Indian tribal roll; that is what you call it?

Mr. BENTLEY. Yes, sir; a new roll, a new tribe.

Mr. EMBRY. The purpose was to secure the signature of those Indians expecting to remain in Mexico to that roll?

Mr. BENTLEY. Their election.

Mr. EMBRY. It was understood quite well, at least at that time, that before they could sell they would have to become nonresidents of the United States. That was the understanding at that time?

Mr. BENTLEY. Yes, sir; if there was to be any law, and they wanted to come under that law, they would have to be nonresidents of the United States.

Mr. EMBRY. Now, when you went back to Mexico some of these Indians were nonresidents of the United States and had been for some time?

Mr. BENTLEY. Yes, sir; a large per cent of them.

Mr. EMBRY. A large number of them were citizens of the United States and have ever since been citizens of the United States?

Mr. BENTLEY. The Indian that came—the one that followed Grimes—was in no sense a nonresident. He was merely over there to aid Grimes, or to have his children named, or to look around, and did not come there to stay.

Mr. EMBRY. Now, your purpose in making this new roll was this, was it not, that those who signed the roll made their election to become members of the new tribe and nonresidents of the United States?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. They elected to take up their residence in Mexico, notwithstanding what their residence had been before?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. The purpose of that roll was a declaration of residency in Mexico?

Mr. BENTLEY. To put their lands in a pool—to hold their land in common.

Mr. EMBRY. Did not some of these Indians misunderstand it at first?

Mr. BENTLEY. I do not know that they did. There was some schoolboys that Grimes had with him and was working on some of them to sell their lands to Grimes. They refused to sign.

Mr. EMBRY. There was some confusion down in your camp as to the signatures on this roll?

Mr. BENTLEY. No, sir.

Mr. EMBRY. You heard the testimony of Mills and some of the other fellows?

Mr. BENTLEY. I do not know what Mills said with reference to that; but as to what did actually happen I would like to cite a word from the testimony of the Mexican policemen who were there at the time.

Mr. EMBRY. It is in the record.

Mr. BENTLEY. Generally; but I never read it, perhaps, in connection with this matter. He went around to some who had not signed and gave them notice that we were ready for them, or something to that effect. He said no harsh means were used, but they signed voluntarily.

Mr. EMBRY. What was the purpose of having the police there if the people signed voluntarily?

Mr. BENTLEY. That policeman was nothing more than a laborer who was detailed out there to preserve the order of the camp, and it did not mean anything. I could send him after my horse or anything else I wanted.

Mr. EMBRY. You could have told him to arrest me if I had been along the road and he would have done it?

Mr. BENTLEY. Probably.

Mr. EMBRY. Was not that his purpose there?

Mr. BENTLEY. No, sir. If you were down there at the camp making a disturbance and were an objectionable person, he would have arrested you and have taken you to Muzquiz, probably.

Mr. EMBRY. Anyway, you had him there at the time this new roll was signed up in part?

Mr. BENTLEY. I think he was around there. There are probably very few instances where we were in a hurry to get it done. As the Indians signed—there were 160 signatures of them to that paper finally, and those that lived close were called in, and those that lived remote around the edges of the village were sent for.

Mr. EMBRY. It was a real fact that you had knowledge at the time that some of those young Indians had gone to Outcalt and claimed you had threatened them?

Mr. BENTLEY. They came to me and said that Mr. Outcalt had prepared a paper that he wanted them to sign, and Outcalt wanted them to say that I had intimidated them, and they told him it was not correct. They stated in the paper to Senator Teller that the paper that he had there for them to sign was not true.

Mr. EMBRY. Does the record show what they said to the court up there?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. What did they say there?

Mr. BENTLEY. Some three or four of the fellows that belonged to the Grimes crowd, through Grimes's interpreter, stated that they had been compelled to do so—that is, to sign—but when they came in court and confronted me and the matter was explained to them they denied it.

Mr. EMBRY. Who was Grimes's interpreter?

Mr. BENTLEY. Mack Johnson, principally.

Mr. EMBRY. He was the witness who testified in this case?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. He was one of them who retracted and said what he said was not true?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. With reference to your trial, it appears you were charged and arraigned and had some form of trial, and then at a second hearing, or some subsequent hearing—I do not know whether they call it a second hearing or not—it was made known to Outcalt what paper it was that the controversy was about, was it not? It was at that time explained to him that it was this roll he was signing?

Mr. BENTLEY. I will have to explain to make the record clear. The trial started with Johnson's testimony. Then one after another Outcalt brought in additional Indians, who testified to something along the same lines and made their statements. When that was in my trial opened regularly and continued until I was discharged. The only interruption in the trial was this, that in the middle of the trial the vacation judge before whom the trial had been first heard was discharged and another judge took up the case. There had been no verdict when he came, and he called Outcalt to him to

know whom he represented, and the trial went forward until the court issued its decree that I was not guilty, and I was discharged. But the real paper that had been signed at the village, it is true, was not offered until I offered it in evidence as to what I had been attempting to do at the village.

Mr. EMBRY. Now, do you not know, as a matter of fact, that up to the time in the stage of the proceedings when you were permitted to appear that the whole trial and charges proceeded on the theory that you had compelled these men to sign deeds or some kind of a contract?

Mr. BENTLEY. That is true. That was the theory, but Outcalt well knew to the contrary, because these Indians were urged and begged and implored and driven in there to make these charges. I was right over where Outcalt talked to Homer Anderson, and I heard him say, "Go in and sign and help us out."

Mr. EMBRY. Did you hear Outcalt say that to Homer Anderson?

Mr. BENTLEY. Yes, sir; I heard him say that to Homer Anderson. Homer Anderson said, "It is not true; I can not make such a statement."

Mr. EMBRY. Did Anderson go in and sign after that?

Mr. BENTLEY. Yes, sir; he went in and signed afterwards. When he was called upon the stand he stated that he was afraid of Outcalt. That is the reason he signed.

Mr. EMBRY. You know, as a matter of fact, George Outcalt would not hurt anything, do you not?

Mr. BENTLEY. Well, the Indians in jail and the conditions that prevailed there when he urged those Indians to sign, a timid fellow like Anderson could be frightened by him to sign.

Mr. EMBRY. Those Indians had been around there twelve or fifteen years, had they not?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. There had never been anything in his habits or conduct to cause anyone to think he was hurtful?

Mr. BENTLEY. He was drinking around there in saloons, and associated pretty closely with the Indians.

Mr. EMBRY. Then when you were permitted to come into the trial you showed it was this roll that was being signed and not deeds?

Mr. BENTLEY. The Indians said they were compelled to sign. I offered the paper in evidence. I offered the copy of the roll to show its purport.

Mr. EMBRY. It was at this stage, as the record shows, that the judge asked Outcalt if that would be a binding contract in this country?

Mr. BENTLEY. No, sir; it was after the trial was over when he asked him was there anything that had occurred there, that had been proven in his court, that was of such a character that a person would be convicted under if he had been in the United States.

Mr. EMBRY. What did Outcalt say?

Mr. BENTLEY. He said "No." You should recall that Outcalt says I was convicted, and then afterwards that I was retried and discharged.

At 4 o'clock and 20 minutes p. m. the committee adjourned until December 5, 1907, at 10 o'clock a. m.

WASHINGTON, D. C., *December 5, 1907.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Teller (chairman), Curtis, and La Follette; also Mr. John Embry, United States attorney for Oklahoma, and Mr. M. J. Bentley, representing the Mexican Kickapoo Indians.

MARTIN J. BENTLEY recalled for further examination.

Mr. EMBRY. Mr. Bentley, as to the record which you have examined, touching the contest of Leonard A. Hampton, the first page verified July 30, 1901, is his formal contest, is it not?

Mr. BENTLEY. It appears to be; yes, sir.

Mr. EMBRY. The three succeeding pages appear to be affidavits touching the truth of the contest allegations?

Mr. BENTLEY. Yes, sir; those were certified before me, I think, or taken by me.

Mr. EMBRY. I present, as following these what appears to be a deposit slip, showing that \$500 was deposited by Leonard A. Hampton in the Oklahoma State Bank. That was the \$500 which Mr. Hampton deposited under the contract referred to in your former testimony?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Following that is what appears to be a certificate of deposit, issued by the Oklahoma State Bank, dated Shawnee, Okla., July 3, 1901, which is as follows: "This is to certify that L. A. Hampton has deposited in this bank \$500, payable to the order of as per contract attached, C. J. Benson." I have abbreviated that, because there are some general statements there that do not pertain to it.

Mr. BENTLEY. That appears to be correct.

Mr. EMBRY. On the back of this is the signatures of L. A. Hampton and M. J. Bentley.

Mr. BENTLEY. That is correct. The indorsement was for the purpose of permitting Hampton to withdraw his money, but no part of the money was ever paid to me, or any person for me.

Mr. EMBRY. This expression in the certificate of deposit "As per contract attached," refers to the contract which was deposited with this bank, that upon Hampton securing his homestead filing on this tract of land he should pay Ives \$500.

Mr. BENTLEY. That may have been the purport of the contract, though the contract itself is the best evidence.

Mr. EMBRY. Have you the contract?

Mr. BENTLEY. No, sir.

Mr. EMBRY. What is your recollection of the contract?

Mr. BENTLEY. My recollection is that there was a contract attached carrying out the apparent face of the check.

Mr. EMBRY. And the purport of that contract was that upon Hampton securing filing on this tract of land he was to pay Ives \$500?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. The bank would pay this to Ives?

Mr. BENTLEY. Yes, sir; that is my recollection.

Mr. EMBRY. The next exhibit attached appears to be a small check of \$10 from Everest to Hampton.

Mr. BENTLEY. I have no knowledge of it.



Mr. EMBRY. In the annexed letter, that is the signature of Mr. Everest?

Mr. BENTLEY. It appears to be so, but that is a matter of which I have no knowledge.

Mr. EMBRY. In the succeeding letter it is the same?

Mr. BENTLEY. As to that, it is a matter of which I have no knowledge.

Mr. EMBRY. Then follows, under date of July 23, 1901, what purports to be a copy of a letter from W. A. Jones, Commissioner, transmitting to you this contest application of Leonard A. Hampton for investigation?

Mr. BENTLEY. That appears to be regular.

Mr. EMBRY. You received that in due course of business, did you not?

Mr. BENTLEY. I would not state that I received that identical letter, but a similar letter to it.

Mr. EMBRY. You received this contest in the manner indicated in the application?

Mr. BENTLEY. The letter came to me in the regular way, from the Indian Office.

Mr. EMBRY. Following this appears to be a letter dated Shawnee, Okla., August 30, 1901, to the honorable Commissioner of Indian Affairs, from Martin J. Bentley. That is your signature?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. That is your letter?

Mr. BENTLEY. Apparently.

Mr. EMBRY. We offer this letter in evidence, which is marked "Exhibit R. L. M., No. 1."

The next succeeding three pages appear to be proof on which you base your findings.

Mr. BENTLEY. That is part of the proof upon which my findings were based.

Mr. EMBRY. The next page appears to be a letter from Mr. Chester Howe, in announcing his appearance as attorney here for Hampton, does it not?

Mr. BENTLEY. That so appears. I have no knowledge, however, of that letter.

Mr. EMBRY. The next succeeding page appears to be a letter, dated Washington, D. C., January 15, 1902. You wrote that letter, did you?

Mr. BENTLEY. That appears to be my signature.

Mr. EMBRY. That is your letter?

Mr. BENTLEY. Yes, sir; that is my letter.

Mr. EMBRY. I will read it. It is very short:

WASHINGTON, D. C., *January 15, 1902.*

MR. LEONARD A. HAMPTON.

DEAR SIR AND FRIEND: I found your case tied up here and you need not expect a cancellation for at least a month yet. I got it under way, and Mr. Chester Howe will wire you when it is canceled.

Most respectfully,

M. J. BENTLEY.

You wrote that letter to Mr. Hampton?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. We offer here the letter of Frank A. Thackery, superintendent and special disbursing agent, to the honorable Commis-

sioner of Indian Affairs, dated Shawnee, Okla., June 19, 1902, marked "Exhibit R. L. M., No. 21." You know what it is?

Mr. BENTLEY. I do not know that I do.

Mr. EMBRY. Do you wish to look at it?

Mr. BENTLEY. After you are through.

The CHAIRMAN. You can first offer these letters and then let him look them all over.

Mr. EMBRY. We offer in connection with that a letter from A. C. Tonner, Acting Commissioner, to the honorable Secretary of the Interior, dated June 27, 1902, marked "Exhibit R. L. M., No. 2." This seems to be an original letter. The copies of these letters are not certified.

We next offer in evidence, letter of E. A. Hitchcock, Secretary of the Interior, to the Commissioner of Indian Affairs, dated July 8, 1902. This is a copy, and is marked "Exhibit R. L. M., No. 4."

Letter of A. C. Tonner, Acting Commissioner, to Frank A. Thackery, superintendent of Indian School, marked "Exhibit R. L. M., No. 5."

Letter of Frank A. Thackery, superintendent and special disbursing agent, to the honorable Commissioner of Indian Affairs, dated Shawnee, Okla., July 24, 1902. This is an original, marked "Exhibit R. L. M., No. 6."

We also offer the letter of Thomas Ryan, Acting Secretary of the Interior, to the Commissioner of Indian Affairs, dated September 18, 1902. This is an original, and marked "Exhibit R. L. M., No. 7."

Also copy of letter of A. C. Tonner, Acting Commissioner, to the honorable Secretary of the Interior, dated Washington, February 18, 1904. This is a copy and is marked "Exhibit R. L. M., No. 8."

The original letter of Thomas Ryan, Acting Secretary of the Interior, to the honorable Commissioner of Indian Affairs, dated Washington, February 23, 1904, marked "Exhibit R. L. M., No. 9."

What statements, if any, have you to make with reference to these letters?

Mr. BENTLEY. There is so much out of this thing, and it will take so much time to digest it and understand what it is, that I do not think I want to take up the whole time of the committee in my reply to it.

Mr. EMBRY. You have had since yesterday noon to examine it.

Mr. BENTLEY. I was very busy here before the committee yesterday afternoon, from 2 to 5 o'clock, and I did not have any great amount of time. With respect to letter No. 9, the last one you have offered, I desire to say that this letter shows that the Indian Office and the Secretary acted entirely upon misinformation; that there was never any such Kickapoo Indian as Ah-na-sho-peah, and therefore she could not have been the widow of anybody.

In relation to Exhibit 8, letter dated February 18, 1904, I wish to say that this entire matter covered by the Commissioner's letter is based upon erroneous information, because it treats of a woman who never was born, as having been the wife of Quen-nep-po-thot, and the mother of Kah-tuck-o-kah. Since this entire letter relates to the estate of a person who never existed I have no further remarks to offer, or any comments to offer.

Exhibit No. 7, letter dated Shawnee, Oklahoma, November 4, 1903, from Mr. Thackery to the Commissioner of Indian Affairs, recites

that Quen-nep-pa-thot is the heir, as the father of Kah-tuck-o-kah and the former husband of the said Ah-ne-sho-peah. I have no statement to make in relation to this, except that the letter pertains to a person who never existed, and who never could have had a son or husband.

Referring to a letter to Supt. Frank A. Thackery, dated October 28, 1903, from the honorable Commissioner of Indian Affairs, and to the third paragraph of said letter, which reads in part as follows: "It appears from the petition of the grantor, accompanying the deed, that Ah-ne-sho-peah was a widow, at the time of her death, and left one son, Kah-tuck-o-kah, allottee No. 131, who inherited her estate," etc. I desire to say that no such person as Ah-na-sho-peah having ever existed, comment is unnecessary.

The letter, dated October 20, 1903, from Thackery to the Commissioner of Indian Affairs relates to matters in general and is of no consequence in this connection, and therefore I make no comment.

In relation to Exhibit No. 6, I desire to say that while acting as Indian agent I personally took up the subject with the Commissioner of Indian Affairs as to whether or not allotments that had heretofore been made erroneously could not be allotted to Indians who were entitled to it, but had not been allotted, and was advised that the rolls were closed, and that no law or regulation was known to the Office by which such action might be had.

The letter of the honorable Secretary, Exhibit No. 4, was based upon erroneous information from some source, as it relates to a person having lived who never existed.

The CHAIRMAN. Is that the same person every time?

Mr. BENTLEY. Yes, sir.

Exhibit No. 3 seems to be an effort on the part of somebody in the Indian Bureau to show that such a person as Ah-na-sho-peah had existed at some time, and the letter in general relates to a person who never existed, and therefore I have no comment to make.

Exhibit No. 2 is an erroneous statement from Superintendent Thackery to the Commissioner's Office, for the reason that in the letter he states that Ah na sho peah and Nah na sho pe were names of one and the same person; that the said individual, whose correct name was Ah na sho peah, was holding both of said allotments. Based upon personal knowledge and the most careful investigation, and the statement of all responsible Kickapoos, I can assert that there never was in existence within the lifetime of any, even the oldest of the Kickapoo Indians, any such person as Ah na sho peah. It appears that letter dated February 19 is not offered as an exhibit here.

Mr. EMBRY. You may offer it if you want to.

Mr. BENTLEY. Well, I think it is unnecessary to burden the record with it. I do not care to make any comment in relation to the letter read by Mr. Embry, dated January 15, 1902.\*

Mr. EMBRY. Now, Mr. Bentley, as a result of Thackery's recommendation, the allotment which Hampton was seeking to secure was awarded to an alleged heir, Ah-na-sho-peah?

Mr. BENTLEY. Yes, sir.

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\* The Committee having examined the exhibits offered above by Mr. Embry, and finding they were not pertinent to the matters under investigation, they were not put in the record.

Mr. EMBRY. And finally sold under Department rules for the benefit of that heir for the sum of \$1,330?

Mr. BENTLEY. Yes, sir. I might state, by way of information, that the heir was one of Thackeray's favorites, who had already been permitted to heir five or six other valuable allotments, and that the favors so done him by Thackeray enabled him to pay his debts at the trader's store, which amounted to, I understand, \$1,200 or \$1,500.

I wish also to say in this connection that Quen-nep-po-thot, the alleged husband of the woman who was a nonentity, had for his first wife one Wah-wue-tah-no-quah, who is living and is still his wife, and was his wife during all the time that he is said to have been the husband of numerous other deceased Kickapoo women whose allottees he has been permitted to heir and sell, including the allotments of deceased Indian children, the children of mothers who were never married and were never his wives in any sense, and who lived and died single women.

Senator CURTIS. Can you state how many different women Quen-nep-thot has been permitted to inherit land from?

Mr. BENTLEY. Not without looking up the record.

Senator CURTIS. Well, about how many?

Mr. BENTLEY. I think some three or four. In all, I believe four allotments he has been permitted to inherit.

Senator CURTIS. As the husband?

Mr. BENTLEY. As the husband of Indian women who had died during the time he already had a wife.

Senator CURTIS. You say he was living with this same woman all the time?

Mr. BENTLEY. She was his first wife and he is still living with her.

Senator CURTIS. When did he first marry her or take her as his wife under the tribal customs, if you know?

Mr. BENTLEY. The testimony of the brother of the woman was that she had been his wife about twenty-five years at the time I was agent—twenty or twenty-five years—and is still his wife.

Senator CURTIS. Did they live together while you were agent?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. Occupied the same home?

Mr. BENTLEY. Yes, sir; I built a house for them while agent.

Senator CURTIS. Are they still occupying the same home?

Mr. BENTLEY. That is my information.

Senator CURTIS. And you say this man has been permitted to inherit at least four allotments?

Mr. BENTLEY. That is my information, including the estate of a deceased child.

Senator CURTIS. During how many years?

Mr. BENTLEY. I think that covers a period of probably five years since these land sales have been made.

Senator CURTIS. Since the act passed permitting the sale of inherited land?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. That was passed in 1902?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Because this tract of land was sold for the benefit of this alleged heir of Ah-na-sho-peah, Hampton was released from paying Ives this \$500, was he not?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. That is the reason you complained mostly of this, is it not?

Mr. BENTLEY. No, sir; personally I had no interest in it. The only interest I ever had in it was that prior to that time the tribe of Kickapoo Indians to whom the land actually belonged received no benefit whatever therefrom, and I made an effort to secure something for all of them. The proceeds of this allotment in no way should have been paid, no part of it, to any individual Kickapoo. The proceeds should have been paid for the benefit of all of them.

Mr. EMBRY. Then the other allotment which you have found should be set off to the heir of Nah-na-sho-pe was cancelled and re-allotted to Pe-quah?

Mr. BENTLEY. Yes, sir; but in that an Indian who was entitled to have allotment was deprived of it. Nah-na-sho-pe was a sister of Ah-ko-the, as I understand, and had it properly descended Ah-ko-the would have had the benefit of it. If an action in court should be instituted to now recover this land Ah-ko-the, or his wife, would recover said land.

Mr. EMBRY. After the Department had determined on the heirship to this land, you and Mr. Howe tried to prevent the issuance of the deed to Hampton as purchaser, did you not?

Mr. BENTLEY. I do not think so. I have no recollection of that. My understanding was that a correct understanding should be had of the matter and it was my intention at least, and I think it was the intention of Mr. Howe, that Ah-ne-sho-peah was a nonentity.

Mr. EMBRY. This is Mr. Howe's signature, is it not? [Exhibiting to witness a paper].

Mr. BENTLEY. Yes, sir; I recognize that as his signature.

Mr. EMBRY. I offer that in evidence, letter of Chester Howe to the honorable Commissioner of Indian Affairs, dated Shawnee, Okla., August 5, 1903, marked Exhibit R. L. M. No. 10. I ask the chairman if Mr. Howe wishes to make any comments in relation to it he may be permitted to do so.

The CHAIRMAN. You have not already been sworn, Mr. Howe, have you?

Mr. Howe. Yes, sir; I was examined a year ago.

The CHAIRMAN. I do not think it will be necessary to swear you again.

Mr. EMBRY. I submit, in connection with the same matter, letter of Frank A. Thackery to Hon. W. I. McFall, probate judge, Pottawatomie County, dated October 14, 1903, and McFall's reply thereto, and Thackery's letter to the Commissioner of Indian Affairs, dated October 20, 1903. The letter to Judge McFall is marked Exhibit R. L. M. No. 11, and that of Thackery to the Commissioner of Indian Affairs is marked Exhibit R. L. M. No. 12.

Mr. BENTLEY. I will reply to that at this time in order to keep the record consecutive.

Mr. EMBRY. That is right.

Mr. BENTLEY. As to Exhibit 11 I have no comment to make, because it discloses no material fact. Exhibit 12 has already been replied to in the record.

Mr. EMBRY. I do not remember it. I thought it was a new matter, I think you are mistaken about it.

The CHAIRMAN. Look it over and see. If it has been already introduced we will drop it out.

Senator CURTIS. Read it over carefully and see.

Mr. BENTLEY. My statement relating to the letter dated October 28, 1903?

The CHAIRMAN. Is that in reply to some other letter you wrote?

Mr. BENTLEY. No, sir; it is a Department letter to Thackery.

The CHAIRMAN. About the letter to Thackery?

Mr. BENTLEY. He is advising Thackery about probate action. The last paragraph of this letter reads as follows:

It appears from the petition of the grantor accompanying the deed that Ah-ne-sho-peah was a widow at the time of her death and left one son, Kah-tuck-o-kah, allottee No. 131, who inherited her estate, and that the petitioner is the father of Kah-tuck-a-kah, who died unmarried and without issue, leaving the petitioner as his sole heir.

The office fails to understand how Ah-no-sho-peah could have been a widow at the time of her death and still have left a husband who was the father of her son Kah-tuck-a-kah, deceased. It was for the purpose of clearing up this matter of the inheritance that the probate proceedings were called for, and as they are not obtainable, it will be necessary for you to have this apparent discrepancy explained by an amended certificate of the Business Committee or any other evidence that may be secured.

The person referred to in this correspondence, Ah-na-sho-peah, was never the mother nor the wife of anybody, because no such person ever existed.

The CHAIRMAN. She was a myth, was she?

Mr. BENTLEY. She was a myth; yes, sir.

Mr. EMBRY. The Department there in that correspondence found that Ah-na-sho-pe was the wife of Quen-nep-po-thot, and of that marriage was born a son, Kah-tuck-o-kah; that Ah-na-sho-peah and her husband were divorced prior to allotment, according to Indian customs.

Mr. BENTLEY. I do not know as to that. I did not observe that in the correspondence.

The CHAIRMAN. How could she be divorced if she did not exist?

Mr. EMBRY. I am asking him about the findings, that after that time she died, leaving her son as the only heir. Following that, the son died, and Quen-nep-po-thot, as his father, inherited through the son. That is the findings of the Department?

The CHAIRMAN. That is the gist of the findings.

Mr. BENTLEY. I wish to say that the findings of the Department were entirely erroneous and were based upon misinformation.\*

The subcommittee here took a recess until 1.30 p. m.

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\* The Committee having examined the exhibits offered above by Mr. Embry and finding they were not pertinent to the matters under investigation, they were not put in the record.

## AFTER RECESS.

M. J. BENTLEY recalled for further examination.

Mr. BENTLEY. In connection with the land involved in the Hampton case, I wish to say that Quenne-po-thot was permitted to sell the allotment of a person who never existed and to enjoy the proceeds of a sale of a piece of land to which he was never entitled, and that by so doing the allotment allotted to Nah-ne-sho-pia was given to an Indian who was not entitled to it, and the heirs of Mah-me-sho-pia were deprived of their equity in a piece of land that they had inherited, and that under the law and the rules of the Department the whole proposition is irregular and illegal in my opinion.

I wish to say further that Muche-nen-ne, the Indian, as shown by the telegrams in the record and by the correspondence with Mr. Thackery, was a valuable witness for the Government in his case against me, and that Mr. Thackery urged that he be called there as a witness. I call the attention of the committee to the fact that this witness testified at Shawnee, Okla., that he knew nothing against me; that there was nothing in his statement before the committee as indicated by the statement of Mr. Thackery to the Department in his correspondence as to what he did actually know with relation to Muche-nen-ne and Quen-ne-po-thot being entitled to inherited land that did not belong to them, a great amount of land. I wish to cite this instance: First, Muche-nen-ne was permitted to heir and to sell allotment No. 94, a tract of land worth \$3,000. He was next permitted to sell allotment No. 95, an allotment worth a thousand dollars, and he was next permitted to sell allotment No. 182, the name of the allottee being Ne-a-kee, which was worth perhaps, or brought, \$2,000. He was next permitted to sell allotment No. 14, allotted to Nah-keh-nah, for which he received \$4,000 or half of \$4,000.

The CHAIRMAN. Which was it?

Mr. BENTLEY. I think he received one-half of the \$4,000, to which he was not entitled. He was next permitted to sell allotment of his supposed deceased sister, named Won-neth-the, allottee No. 279, being a very valuable allotment 1 mile west of Shawnee, Okla., worth four or five thousand dollars. He was next permitted to sell, as heir, the allotment of Nah-pah-nah, allottee No. 62, which, I understand, brought \$1,000. I wish further to cite the fact that Mr. Thackery has employed an attorney for this Indian, who recently visited Mexico, and some depositions were taken, and he asserts title and part ownership of allotments 51, 52, 53, 54, 59, and 60—seven additional allotments that he is seeking to heir. This Indian, Muche-nen-ne, is one of Mr. Thackery's business committee, and I think in time will heir most of the reservation if Mr. Thackery has his way in the matter. I wish also to state the fact that this same party, Muche-nen-ne, for some years has been permitted to draw part of the lease money from allotments 51, 52, 53, and 54, and also 59 and 60, to which he absolutely had no right whatever. I wish also to give Mr. Thackery's attitude in relation to some other cases. In the matter of the allotment of Edwin Pensoneau, Pensoneau was an educated Indian, and his wife was an educated Indian—two of the most intelligent and educated Kickapoos that I have known. They came into my office when I was agent and he introduced her to me. He said, "Mr. Bent-

ley, this is my wife, Mrs. Pensenu, and she in turn said, "This is Mr. Pensenu, my husband." They solicited aid to go and live on the allotment of one of them—I think it was his—and I provided them with a cooking stove and cooking utensils and household effects and furnished them a team and wagon, and they built their home there or near there and lived there a year and a half. A boy was born to them and they brought it to the agency and had me name it. Soon after that time Pensenu died, and then, of course, any estate that Edwin Pensenu had descended to his wife and infant son. Through the testimony of this Muche-nen-ne and some of the favorites at the agency, in probate proceedings it was shown that Mrs. Pensenu was never the wife of Edwin Pensenu, and the court decreed the land to numerous half brothers and sisters of Pensenu, and I have incurred their opposition, through Mr. Thackery, because I have appealed that case from the probate to the district court of Pottawatomie County, where it is now pending.

I wish to say that any poor Kickapoo who should happen to be in Mexico, if it was possible by any manipulation whatever to have his land heired by the few favorites of Mr. Thackery who remain at the agency and whose business passes through the agency store, which is shown by the facts given here, perhaps \$10,000 of lease money was traded there. I helped a trader to collect \$1,200 in one instance of this kind. I submit to the committee that, in my opinion, that is not a square deal and not proper procedure at an Indian agency. That is all I have to say on that phase of the subject. I have made that statement simply because it bore directly on the Hampton allotment case.

Mr. EMBRY. This Pensenu contest was tried in court, was it?

Mr. BENTLEY. Yes, sir; the probate court.

Mr. EMBRY. The court heard all the evidence, did it not?

Mr. BENTLEY. I think perhaps the court heard such evidence as was produced, but I do not think Mr. Thackery took any steps to have the best evidence produced.

Mr. EMBRY. Were you there?

Mr. BENTLEY. No; they were very careful to bring the case up when I was not present.

Mr. EMBRY. You appealed the case to the district court, did you?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Who was your attorney?

Mr. BENTLEY. Mr. Blakeney.

Mr. EMBRY. He is as good an attorney as there is in Shawnee or in that county, is he not?

Mr. BENTLEY. Mr. Blakeney became the attorney afterward; I was not the attorney, but Mr. Blakeney. We learned that the estate had been decreed to the wrong heirs and the wife of Pensenu had been deprived of her estate, and I took steps to set aside the judgment of the probate court and take it to the highest court, where it now is, and Mr. Blakeney then became the attorney in the appeal.

Mr. EMBRY. I understand that the local court held that the half brothers of this deceased child inherited the estate which came to him from his father?

Mr. BENTLEY. It was not true in this case.

Mr. EMBRY. I understand the probate court so held?



Mr. BENTLEY. Not in this case; there was no father involved in this case.

Mr. EMBRY. The Pensenu child was on his allotment, was he not?

Mr. BENTLEY. The litigation was not over the child, it was over the original allotment and Edwin Pensenu.

Mr. EMBRY. The father?

Mr. BENTLEY. No, Pensenu and Mrs. Pensenu married and had a child and it was never allotted; Pensenu died and then his estate descended to his son and wife, and they have not been permitted to inherit; it has been decreed to others.

The CHAIRMAN. Did the child die?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Is the wife living?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. That is the matter of appeal in the district court?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. The probate court held that she was not the wife of Pensenu, did it not?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. That is the matter of appeal in the district court?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. You did not think the Indian Agent would be responsible for the relation of those Indians one way or the other, did you?

Mr. BENTLEY. No, sir; I do not take that position.

Mr. EMBRY. Do you know whether they continued husband and wife until his death?

Mr. BENTLEY. They were living together at the time of his death. He came into Shawnee and was taken with a hemorrhage and bled to death in my office.

Mr. EMBRY. I observe here a final receiver's receipt, No. 13,716, dated Guthrie, Okla., December 10, 1904, issued to you for an entry of the NW.  $\frac{1}{4}$  of sec. 8, T. 9, N. of R. 2, Indian meridian. That is your present home?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. You received that?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. That was the original Indian allotment of a Shawnee allottee, No. 432, whose English name was Little Charlie?

Mr. BENTLEY. I think that is correct. I am not certain as to the number.

Mr. EMBRY. Little Charlie?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Did you know John H. Lyle?

Mr. BENTLEY. Yes, sir. I am somewhat acquainted with him.

Mr. EMBRY. Did not Lyle contest that allotment along in the early part of 1901, about March 1?

Mr. BENTLEY. I have no knowledge as to that, except what the records would show as to the time of Lyle's contest in any action. I have learned since he was among the first contestants for the land.

Mr. EMBRY. You were agent at that time?

Mr. BENTLEY. I was agent of the Big Jim Band of Absentee Shawnee Indians until September of the year 1901.

Mr. EMBRY. As such agent you had jurisdiction of this tract of land, did you?

Mr. BENTLEY. The jurisdiction was in dispute until perhaps that year or near the end of that year, when the Sac and Fox Indian agent had leased the land and had jurisdiction over it, or asserted jurisdiction, I think, over the land.

Mr. EMBRY. You know, as a matter of fact, that this contest was referred to you for examination and report?

Mr. BENTLEY. Yes, sir; I recollect that distinctly.

Mr. EMBRY. That was a concession of jurisdiction to you, was it not?

Mr. BENTLEY. Not necessarily. I was special agent of the United States and had been detailed in White Turkey Band matters especially, and other matters. It would not necessarily follow that the land was under my jurisdiction.

Mr. EMBRY. Did you not state a while ago that after the death of some Shawnee this land descended to one of Big Jim's Band and within your jurisdiction?

Mr. BENTLEY. I said that was the reason that the question of jurisdiction arose. Formerly I had had no jurisdiction, and that would have been the only thing that could have given me the jurisdiction as agent.

Mr. EMBRY. That is your signature, is it not [exhibiting a paper]?

Mr. BENTLEY. Yes, sir; that was written by me.

Mr. EMBRY. I now offer in evidence a letter of Martin J. Bentley, assistant special United States Indian agent, to the honorable Commissioner of Indian Affairs, dated Shawnee, Okla., May 26, 1901. I desire to read this at this point:

I have the honor to state, in reply to your office letter April 17, 1901, land 12, 837, 1901, wherein I am instructed to thoroughly investigate the allegation that Absentee Shawnee allottees 181 and 432 are one and the same person.

I herewith return the accompanying papers, and have to state that I have gone over this matter very carefully with the most competent and intelligent members of both the White Turkey and Big Jim bands of absentee Shawnee Indians, and after this investigation I am fully convinced that allottees 181 and 432 were one and the same persons and I submit herewith the testimony of Walter Shawnee, who is an Absentee Shawnee Indian and a member of the business committee of the White Turkey band. Also of the testimony of the grandfather, Jackson Clark, and of Little Creek, with whose family 181 lived until the time of her death; also the testimony of Mary Shawneego. The allotment rolls show that allottee 432 was a niece of Mary Shawneego. Mary Shawneego is an educated and intelligent Indian woman, as her signature to her affidavit will indicate, and it will be observed that she states under oath that at the time the allotment was made she did not have any niece of any age and that she has no knowledge of any such person except that her second cousin, allottee 181, was brought to the Creek Nation and buried near her present home. It will also be observed that in the testimony of Walter Shawnee he discovered several years ago that allottees 432 and 181 were identical; that the names of both allottees were synonymous, and my findings from the testimony taken, both verbal and written, is that no such orphan or person ever existed as allottee No. 432 Nay-a-be-se. Because the time the allotments were made allottee 181 Na-que-pe-wa-se was not an orphan, and even if this allotment had been intended for her she even then would have been entitled to but 80 acres.

It is the general opinion among the Shawnees that Thomas Albert, an Absentee Shawnee Indian, who was employed to assist in surveying and allotting, purposely had this allotment made near home, and that it was done for his own use and benefit. I am unable to give his testimony, for the reason that he is now afflicted with smallpox, and I understand that his testimony in this matter is now on file in your office, and he now refuses to testify for this reason.

Mr. BENTLEY. That is my report on the case.

Mr. EMBRY. That is your report?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. We offer in evidence letter of W. A. Jones, Commissioner of Indian Affairs, to the honorable Secretary of the Interior, dated July 11, 1901, which is marked Exhibit R. L. M. No. 16; also the letter of Secretary Hitchcock to the Commissioner of the General Land Office, dated July 30, 1901, directing the cancellation, which letter is marked "R. L. M., No. 17."

Mr. BENTLEY. If the committee please, in justice to myself, I freely admit all the papers I wrote, and did all that is shown by that record I did, and I would like to have the whole record, except the proceedings in the local land office, put in evidence, which are here shown in very many pages. I do not see what bearing the Land Office letters can have here, so far as any hand I took in the matter is concerned, and what action the Land Office took among the different litigants, as it appears here. To leave any of it out would be unjust to me. It is all admitted, and I do not deny anything in there, or any part I took in it. I wish the whole of that record to be introduced, or none of it.

The CHAIRMAN. What is it you want omitted that is contained herein?

Mr. BENTLEY. I want to avoid lumbering the record with a lot of worthless stuff. I had nothing to do with the Land Office. As I understand it here is a matter under discussion about which there is no dispute.

The CHAIRMAN. You want all the records from the Indian Office put in?

Mr. BENTLEY. And any testimony taken by me. Anything the Indian Office did in relation to that matter I want in the record. I want the whole of it.

Mr. EMBRY. I am perfectly willing it should all go in.

Senator CURTIS. Well, why not print it with those documents?

Mr. BENTLEY. There is already a very large appendix to this record, and why not put it in, only striking out the Land Office part which has no bearing?

Mr. EMBRY. I want Mr. Bentley's testimony in the contest in which he appeared as a witness.

Senator CURTIS. Well, then, let us put it all in. Let us print the whole business right here.

Mr. BENTLEY. There is some of this Land Office matter which has no bearing upon this subject.

The CHAIRMAN. Let it be printed as part of Mr. Bentley's testimony, and whatever is not material to the issue of course the committee will not consider.<sup>a</sup>

Mr. EMBRY. This allotment was canceled and Mr. John H. Lyle filed a homestead entry on this land, did he not?

Mr. BENTLEY. That is my understanding.

Mr. EMBRY. There was a contest between Lyle and Berry?

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<sup>a</sup> The Committee having examined the exhibits offered above by Mr. Embry and finding they were not pertinent to the matters under investigation, they were not put in the record.

Mr. BENTLEY. I think between Berry and a man named Stratton, as I understand it, and a woman in Oklahoma City was contending she had a right to the land.

Mr. EMBRY. Lee Patrick was trying to lease this land to his father-in-law, was he not?

Mr. BENTLEY. No, sir; I think it was already under lease from him to his father-in-law.

Mr. EMBRY. And this man Berry had a prior lease, an old lease on the land, did he not?

Mr. BENTLEY. No; I think Berry had a lease pending before the Indian Office that he had executed before me.

Mr. EMBRY. Yes.

Mr. BENTLEY. I recollect well in the spring of the year I went over there and found Berry farming, and insisted if he stayed there and farmed he must comply with the Department regulations and make a legal lease. I think he did, and I submitted it, and the office returned it and would not approve it. I know Mr. Berry was a lessor upon the land, at least.

The CHAIRMAN. What office do you mean, the office here?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Let me read Mr. Bentley's testimony here. After stating your name, age, place of residence, and occupation, you testified as follows:

Q. Have you any knowledge of what claim of occupancy James E. Berry ever had to this tract of land?—A. Yes, sir.

Q. State what you know about that.—A. Mr. Berry was a lessee on that tract of land. I have had occasion to investigate officially the status of Mr. Berry there. I found that he had taken possession of the tract under a five year lease; that through an agreement with the Indian agent he was to pay \$50 per annum. I learned through the Commissioner of Indian Affairs in the records of the Indian Office that he had paid four years lease money, amounting to \$200, and that his lease, or supposed lease, would terminate December 31, 1901. \* \* \*

Q. Have you had any talk with James E. Berry himself to Mr. Berry as to how he was claiming the land?—A. Yes; I addressed an official communication to him, asking him by whose authority he was occupying the land and under what terms. And he and the son in question came to the Indian office in Shawnee and contended that inasmuch as they had broken the land and were leasers there, and that their lease didn't expire until December 31, 1901, that it would be an injustice to deprive them of their crop and their labor; that they had already paid four years rental and were willing to pay an additional year. That they laid no claim to the land but to the crop, the only claim was to the crop.

Now do you remember in what capacity Mr. Berry claimed to reside on this tract of land at the time of the contest between him and Lyle?

Mr. BENTLEY. My recollection is that he went on to the land claiming as a lessor, and that he later asserted a right to it after it had been contested by two or three others I think. He asserted a right as a homesteader then. I believe he asserted prior settlement which he made as a lessor.

Mr. EMBRY. You testified as a witness for Lyle in the contest between Lyle and Berry?

Mr. BENTLEY. I can not say I was a witness for Lyle.

Mr. EMBRY. You testified as a witness in that contest, did you not?

Mr. BENTLEY. I testified when I was called there to tell what I knew.

Mr. EMBRY. Do you remember in what manner Lyle got on the land? Was he a tenant?

Mr. BENTLEY. Just as to how Lyle got on the land I do not think I will be able to give any information. I know at the time—my recollection is that during the time I was insisting that Mr. Berry make a lease, or soon after that, or up to that time, this man Lyle went on there and built a house and asserted a claim to the land. That is my recollection.

Mr. EMBRY. I want to read some other matters to refresh your memory:

Q. Where and when did you first become personally acquainted with Mr. Lyle?—A. I think the first time I ever saw him to know him was about the last of June of this year.

I suppose you mean 1901?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY (quoting):

He was passing my office one day and some one pointed him out as the man who was contending with Stratton for this land, is the first time I ever saw him to know him that I remember of.

Q. Have you ever had a conversation with Perry Rodkey relative to this land or the possession thereof prior to the time you notified Mr. Berry to come to your office?—A. Yes; I think I have.

Q. Where and when did you have the first conversation with Mr. Rodkey regarding this matter?—A. I wouldn't be able to give the date or place. I remember there was some conversation.

Q. How frequently have you conversed with Mr. Rodkey regarding the matter?—A. I don't recollect of having talked with him anything about it prior to the last two or three weeks excepting the one time. Lately there has been a great deal of talk down there—a good many cases of illegal land and a good deal of talk.

Q. In the first conversation you had with Mr. Rodkey he advised you that he had told Mr. Lyle that this was an illegal allotment and had induced Mr. Lyle to settle on the tract, didn't he?—A. No; he didn't say anything about Mr. Lyle.

(Objected to as immaterial and obviously irrelevant.)

Q. Isn't it a fact, Mr. Bentley, that you have an interest in the result of this contest or expect to have in the event Mr. Lyle is successful?—A. No, sir.

Q. Have you any contract or agreement with Mr. Lyle and Mr. Rodkey and Mr. Everest, or any of them, whereby you are to have an interest in the land or a certain consideration if Mr. Lyle wins the land and whereby you are to defray a part of the expenses of this contest?—A. No.

Now, I will ask you the question, How long have you known Perry Rodkey?

Mr. BENTLEY. He is an old timer down there. I guess I have known of him and known him as long as anybody in that country.

Mr. EMBRY. What have been your business relations with him?

Mr. BENTLEY. I never had any personal business relations much with Mr. Rodkey, except perhaps in the year 1902. Mr. Rodkey was interested to some extent with Mr. Dexter and myself over in the Creek Nation in locating some railroad over there.

Mr. EMBRY. What company?

Mr. BENTLEY. The Cherokee Central Railroad or the Shawnee M. & C. R. R.

Mr. EMBRY. Was that about the time you established the town of Okemah?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Mr. Rodkey was interested in that with you, was he not?

Mr. BENTLEY. In a way. He did a good deal of work there and helped establish the town and was given some property for his services.

Mr. EMBRY. Did he remain in Okemah and does he reside there now?

Mr. BENTLEY. I think he still resides there.

Mr. EMBRY. Has he charge of your property at Okemah now?

Mr. BENTLEY. I can not say he has.

Mr. EMBRY. Do you know who has charge of the property?

Mr. BENTLEY. I have considerable property there, but it is outlying vacant property there. I have only one piece of rental property there, and I think Mrs. Bentley and Mr. Rodkey own that together there. It is the post-office building there.

Mr. EMBRY. Have you any property in Okemah in your own name?

Mr. BENTLEY. No, sir.

Mr. EMBRY. It is all in Mrs. Bentley's name and some of it is in Mr. Rodkey's?

Mr. BENTLEY. I think all of it is in Mrs. Bentley's name.

Mr. EMBRY. How about the post-office building. Is that in her name and Mr. Rodkey's together?

Mr. BENTLEY. I am not certain about that. Perhaps it may all be in Mr. Rodkey's name; I do not know.

Mr. EMBRY. What funds, if any, did you use in advancing that Okemah township over there?

Mr. BENTLEY. Only the funds of myself and H. P. Dexter, a capitalist in Shawnee, furnished part of the money.

Mr. EMBRY. What was Mr. Rodkey's business in Shawnee during the time you were Indian agent?

Mr. BENTLEY. I think Mr. Rodkey owned all the cotton platforms on the C., O. & G. Railway at that time.

Mr. EMBRY. Did he own them at the time you were representing the Choctaw Railway?

Mr. BENTLEY. I do not think so. I think it was after that time that he acquired his cotton platform rights with the railway company.

Mr. EMBRY. As Indian agent of the Shawnees did you buy horses and mules from Rodkey?

Mr. BENTLEY. I think on one or two occasions I advertised for mules when Rodkey filled the contract.

Mr. EMBRY. How many such contracts did you advertise for?

Mr. BENTLEY. I got a great many mules from a number of persons, and I can not say how many teams.

Mr. EMBRY. You often had employees from the Indian Office to show Rodkey these alleged double allotments, did you not?

Mr. BENTLEY. I do not think that any employee of the Indian Office to my knowledge ever showed Rodkey any illegal allotments, except in two instances.

Mr. EMBRY. What two instances were they?

Mr. BENTLEY. In the instance of the appearance of Stratton to contest the Little Charley land, which I learned through Mr. Rodkey. I think I advised the farmer to go with Rodkey and show him the land. I did not know where the land was. I knew the farm from the map, and I did not want to see Stratton get the land

at that time, if it was illegal land, without a reasonable amount of opposition.

Mr. EMBRY. Joe Clark was the farmer?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. You directed Joe Clark to take Mr. Rodkey over there and show him this tract of land?

Mr. BENTLEY. I will not say I directed him. I was quite willing to let him go.

Mr. EMBRY. That is so with relation to the Hampton tract?

Mr. BENTLEY. My recollection is not quite clear as to the Hampton tract. I am under the impression now that Rodkey perhaps induced or asked Clark to go with him. At that time I was working in the Kickapoo country. I think I may have asked Mr. Clark to show him the land.

Mr. EMBRY. After he viewed the land, what was done by your office or by yourself as to putting anyone on the Little Charley land?

Mr. BENTLEY. Nothing that I ever knew.

Mr. EMBRY. Did you not send in a lease and ask the Secretary to approve it for a man by the name of Douglas?

Mr. BENTLEY. My recollection is that I did.

Mr. EMBRY. And that the Commissioner turned it down because the heirs had not joined?

Mr. BENTLEY. I will not state positively as to that, but my recollection is that the man Berry on the land at the time of the execution of the lease to Douglas, if one was made, had defied me and would not make a lease, and would not do anything if such a lease was submitted; but I will not be certain as to that.

Mr. EMBRY. Did you not understand later that Lyle was on the land? You understood later after that that Lyle went on this land and bought Stratton's house?

Mr. BENTLEY. I learned or heard that some kind of a compromise was made among them over there, Lyle and somebody else. I think it was Stratton. I heard that one of the contestants had fallen out and quit.

Mr. EMBRY. Is it not a fact that you went over there or sent for Berry and his son and told them they would have to vacate?

Mr. BENTLEY. No; I have no recollection of ever telling Berry that he would have to vacate.

Mr. EMBRY. What did you tell him?

Mr. BENTLEY. If I told him anything I told him he would have to make a legal lease or get off of the property.

Mr. EMBRY. What did you do to get Lyle off of the land?

Mr. BENTLEY. Lyle was there as a contestant. He claimed that he was asserting right to the land by reason of it being a double allotment.

Mr. EMBRY. He was there as a contestant?

Mr. BENTLEY. There was no reasonable evidence that the allotment was double to disturb a man who claimed it as a homestead.

Mr. EMBRY. Do you know what arrangement there was between Lyle and Rodkey as to going on there as contestants?

Mr. BENTLEY. No, sir.

Mr. EMBRY. Do you know whether Lyle was to pay him or not?

Mr. BENTLEY. No, sir; I knew nothing about the arrangements, or if I did I do not now recollect that I did between Lyle and Rodkey until way long afterwards, probably.

Mr. EMBRY. While you were permitting this contest of a double allotment without securing something out of it for the Indians in the manner you have before—

Mr. BENTLEY. That was a Shawnee allotment, and the Kickapoos would not have been entitled to any part of it. Besides somebody had gone forward. He was already upon the land. Lyle probably, had I attempted any arrangement with him, would have made it. It was a different case. In the case of the Kickapoos they wanted to raise some money for certain purposes. They were called together in council and talked about it.

Mr. EMBRY. What was the purpose of the Kickapoos in raising that money?

Mr. BENTLEY. They wanted to come to Washington and insist upon the Government paying them the difference between 32 cents and a dollar and a half an acre for the land, known as their surplus.

Mr. EMBRY. The purpose of that was for you to use the money to pay your expenses there?

Mr. BENTLEY. Yes, sir; to be used for that purpose or for their benefit.

Mr. EMBRY. You had no purpose to turn it over for them to use? You used it for yourself, did you not?

Mr. BENTLEY. Probably, as I have always done. If a delegation went to Washington, I paid their board and car fare.

Mr. EMBRY. Would not the other Shawnee allottees have equally a right to the benefit of their double allotment as the Kickapoos?

Mr. BENTLEY. The Shawnees are a very different proposition. The Kickapoos are usually a unit in all they do, and the Shawnees are divided and factional and probably would not permit their money to be used in the same manner. They are a different class of people.

Mr. EMBRY. It appears from the record—I will suggest this so as to save time in running through it—that Lyle entered the land September 18, 1891?

Mr. BENTLEY. Mr. Lyle certainly must have filed long after that.

Mr. EMBRY. Probably I have got that mixed. Here is the entry: "Oklahoma City, Okla., March 9, 1901. I, John H. Lyle, of Shawnee, O. T., applying to enter (or file for) a homestead, do solemnly swear that I did not enter upon and occupy any portion of the lands described and declared open to entry in the President's proclamation dated September 18, 1891, prior to 12 o'clock noon of September 22, 1892." Now, how long did Mr. Lyle remain on the land, Mr. Bentley?

Mr. BENTLEY. Without taking the data available and figuring it up—you have the record before you. You can figure that out as well as I can.

Mr. EMBRY. In the contest between Lyle and other claimants the land was awarded to Lyle?

Mr. BENTLEY. Yes, sir; he ultimately got an entry upon the land.



Mr. EMBRY. That is, he was a settler prior to the contestants to this land?

Mr. BENTLEY. I do not think it was that way exactly. I think he bought off some of the other contestants and then acquired homestead rights. It seemed there were four parties seeking to enter the land—Berry, Stratton, Lyle, and some woman in Oklahoma City.

Mr. EMBRY. Now here is part of the record which I want to call your attention to, being what appears to be a contest affidavit, dated December 4, 1903, Oklahoma City, Okla., signed by John S. Jenkins:

Personally appeared before me, William F. Young, receiver of the land office, John S. Jenkins, of Oklahoma County, Territory of Oklahoma, who upon his oath says: That he is well acquainted with the tract of land embraced in the homestead entry of John H. Lyle, No. 21493, made November 24, 1903, for the NW.  $\frac{1}{4}$  of sec. 8, Twp. 9 N., Rge. 4 East 1. M., and knows the present condition of the same; also that said John H. Lyle made said homestead entry fraudulently for the reason that before making said entry he entered into an agreement with one F. S. Douglass to make said entry and hold the same, one-half for himself and one-half for the benefit of said F. S. Douglass, said Lyle to make final proof on said tract of land and convey one-half of the same to said F. S. Douglass.

Is that the Douglass for whom you had transmitted a farming lease prior to that time?

Mr. BENTLEY. I would not be able to say whether he was or not. There was a Douglass mixed up in this, and there are several Douglasses, two or three. This may have been and may not have been he. I do not recall; I will not say it was or was not.

Mr. EMBRY. Now on August 21, 1906, I observe in the record a relinquishment of entry by John H. Lyle. I will read it for the information of the committee:

*Relinquishment.*

UNITED STATES LAND OFFICE.  
Oklahoma City, O. T.

I, John H. Lyle, who made homestead entry for the NW.  $\frac{1}{4}$ , S. 8, T. 9 N., of R. 4 E., 1. M., being the land described in the accompanying receiver's duplicate receipt, to which this is attached, do hereby relinquish and quit claim to the United States of America all of my right, title, interest, equity and claim therein, and direct that said entry be cancelled of record.

Witness my hand this 8th day of January, 1904.

JOHN H. LYLE

Subscribed and acknowledged before me this 8th day of January, 1904.

JOHN R. WHITMAN, Notary Public.

Following that is a receiver's receipt, No. 21504, showing the entry of this tract of land, by Solomon Williams.

Mr. EMBRY. Do you know Solomon Williams?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Was he one of your associates down there?

Mr. BENTLEY. Yes, sir; in a way.

Mr. EMBRY. He is the man who had charge of the car that was taken, and the mules and stock, to Mexico, about which you had a controversy with Thackery?

Mr. BENTLEY. No. His brother John Williams was originally employed, and later the brother induced this one to take his place, and he went on through with the car.

Mr. EMBRY. Solomon Williams is the man who took the car to Mexico over which you had a controversy with Thackery?

Mr. BENTLEY. Yes, sir. I considered him an honest, straightforward boy.

Mr. EMBRY. What was Solomon's relations with you at the time he made this entry?

Mr. BENTLEY. I do not think there were any relations between us prior to that time. I think he was working over at Okemah. He is a brick mason and stone mason and a cement fellow. He had been working for me.

Mr. EMBRY. How long had you known him?

Mr. BENTLEY. He used to work there more or less for the Government as a stone mason.

Mr. EMBRY. As a stone mason about the agency, was he not?

Mr. BENTLEY. He was employed irregularly on the foundations for Indian houses and such work.

Mr. EMBRY. In one of your letters to Joe Clark, formerly introduced, dated May 14, 1904, among other things, you say this:

I felt so bad that I went on home from Atokle yesterday & came here from Shawnee this p. m. I am in bad shape & what I will do after to-morrow will depend upon how I feel. But in any event I think you had better go on over & see the Anyline tract & size up the country, and I will arrange with Cobb to get the stuff filed. You will find your new 20 ride book in the desk.

Maxey is eager to settle, & you had better see him as soon as you get in, as he most likely will leave soon. The hotels are full here on account of the payment, & I had trouble in getting a room. Hell is to pay in Mexico, & I do not know what to do; the Oklahoma Kickapoos are ordered off the reservation, & Roman says they are camped in his pasture. I do not want them to come straggling back to Shawnee, & think it best to rent a place to put them and hold them there.

Sol Williams filed on a mineral claim that is right at the town, & it looks like the town would soon change from an Indian town to a mining camp.

Mr. EMBRY. Is that the same Solomon Williams?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. What town is that?

Mr. BENTLEY. Kickapoo Town, the old original Nasciamiento Town.

Mr. EMBRY. Near what place?

Mr. BENTLEY. About 28 miles from Muzquiz, Mexico.

Mr. EMBRY. Then this was not in the Indian Territory?

Mr. BENTLEY. No, sir; it is a Mexican place. Williams denounced and did a great deal of work there.

Mr. EMBRY. Did you have any interest in that claim?

Mr. BENTLEY. No, sir.

Mr. EMBRY. How long did Solomon Williams remain on that tract of land?

Mr. BENTLEY. My recollection is that he made one or two crops there; two crops, I guess, or at least he made one and planted another.

Mr. EMBRY. Now, he remained there until he went to Mexico from Okemah, did he not?

Mr. BENTLEY. No, sir. Pah-ko-thah, you mean?

Mr. EMBRY. Pah-ko-thah?

Mr. BENTLEY. He went to Mexico with Pah-ko-thah long before that—January, 1903, I think perhaps it was. I do not know positively.

Mr. EMBRY. Now, he was contested by Ives, was he not?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. You have examined the record as to this contest affidavit, copy of which is attached to the evidence?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. It appears in this evidence. It is the contest affidavit of W. W. Ives, contesting the entry of Williams, dated the 11th day of July, 1904. I will read it for the information of the committee:

Before the U. S. Land Office, Guthrie, O. T.

*Affidavit of contest.*

Personally appeared before me, the undersigned authority within and for the county of Carroll, State of Indiana, W. W. Ives, whose post-office address is Delphi, Indiana, who, after being by me first duly sworn, deposes and says, that he is credibly informed and verily believes that homestead entry number 21,504, made at the U. S. land office, Oklahoma City, O. T., January 9, 1904, by Solomon Williams for the northwest quarter (NW. ¼), section eight (8), township nine (9), north of range four (4), east of the Indian Meridian, is fraudulent, illegal, and voidable for the reason that the said entryman, Solomon Williams, did not make said homestead entry for his own sole use and benefit, nor for the purpose of acquiring title to the same under the homestead laws of the United States, but that said Solomon Williams' entry made said entry in part for the use and benefit of one Perry Rodkey, and said Solomon Williams did, prior to the making of said entry, contract and agree with the said Perry Rodkey to file on said land and hold the entry thereon and to relinquish or prove up on the same as said Perry Rodkey might desire, and to pay over to said Perry Rodkey three-fourths of the proceeds derived from the sale of the relinquishment of said land or, in the event of making final proof, deed and convey to said Perry Rodkey or order three-fourths of said quarter section, and in pursuance of said agreement said Perry Rodkey furnished to the said Solomon Williams a relinquishment of the homestead entry of one John H. Lyle, then on said land, and a dismissal of the contest then pending, made by one J. S. Jenkins, and also furnished said Solomon Williams the fourteen dollars to pay the fees and commissions of said entry. Affiant therefore says that said entry was obtained by perjury on the part of said entryman in his homestead affidavit, and affiant asks leave to prove said charges at such time and place as may be named by the said Register and Receiver for a hearing in said cause, and that upon said charges being proven to the satisfaction of the officials of the Interior Dept. said entry, number 21,504, Oklahoma City series, may be declared cancelled and forfeited to the United States, he, the said contestant, paying the expenses of said hearing, and affiant asks to enter said land as his homestead. Affiant attaches hereto the affidavit of Martin J. Bentley in corroboration of the charges herein made.

W. E. IVES.

Subscribed and sworn to before me this 11th day of July, 1904.

[Seal.]

NEWBERRY J. HOWE, Notary Public.

Attending this is the corroborating affidavit of Martin J. Bentley, dated the 7th day of July, 1904. I will read that for the information of the committee:

TERRITORY OF OKLAHOMA,

*County of Oklahoma, ss:*

Martin J. Bentley, being first duly sworn, deposes and says, that he is acquainted with Solomon Williams, who made homestead entry No. 21,504, at the U. S. Land Office, at Oklahoma City, O. T., on the 9th day of January, 1904, for the NW. quarter of section (8) in township nine, north of range 4, east 1. M.; that affiant has personal knowledge that the said Solomon Williams did not make said homestead entry for his sole use and benefit, but that said Solomon Williams made said entry for the use and benefit in part of one Perry Rodkey, and under an express contract and agreement whereby said Solomon Williams was to file on said land and hold said land, subject to the disposition of said Perry Rodkey and others, and for a compensation in money to be paid

by the said Perry Rodkey to the said Solomon Williams for making the said entry and hold said lands, and affiant says that Solomon Williams did not make said entry for the purpose of acquiring the same for his sole use and benefit under the homestead laws of the United States.

MARTIN J. BENTLEY.

Subscribed and sworn to before me this 7th day of July, 1904.

J. L. FRANCES, *Notary Public.*

Now do you know about that transaction?

Mr. BENTLEY. I know that the affidavits were made and the contest was filed. The record appears to be correct.

Mr. EMBRY. How much was Williams to pay Rodkey for the land—what was he to give him?

Mr. BENTLEY. I have no definite knowledge as to the exact agreement between Rodkey and Williams. My understanding was that Rodkey had some claim or right by reason of aiding Williams in getting the money to buy out the contestants and those that had the title or contests on the land, so that Williams might acquire a filing.

Mr. EMBRY. Now Rodkey is the man with whom you talked about the time Lyle entered on this land?

Mr. BENTLEY. Yes, sir; the same man.

Mr. EMBRY. It is the man with whom you have been associated more or less since in a business way?

Mr. BENTLEY. Yes, sir. I have been associated with him some in a business way.

Mr. EMBRY. Solomon Williams is the man who has been associated with you quite extensively in a business way, is he not?

Mr. BENTLEY. No, sir; not much.

Mr. EMBRY. W. W. Ives is, of course, a man who has associated with you in business?

Mr. BENTLEY. He is a man with whom I have never had any business except as trustee for these Indians.

Mr. EMBRY. You advised Ives to file this contest and alleged these facts?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. You knew at the time Williams made the filing, did you not?

Mr. BENTLEY. No, sir.

Mr. EMBRY. When did you first learn that?

Mr. BENTLEY. The first intimation I had that any such agreement existed between Rodkey and Williams was when Mr. Rodkey came to me and advised me that probably I would lose the money I had advanced Williams to buy out the homesteader and contestant on the land, so that he might get a filing. At the time that was done Rodkey stood good to me for the money that I advanced Williams, and his statement was to me that Williams was a worthy boy and he wanted to help him, and he believed he would be able to pay it; he had a good trade and was a pretty thrifty fellow, and I loaned him the money.

Mr. EMBRY. How much money did you advance Williams to pay Lyle?

Mr. BENTLEY. My recollection is it was about \$2,000. I took Williams's note for it at the time to secure me, and in the event that he might die I had him make a will.

Mr. EMBRY. Was that at the time when Williams filed on the land that you advanced the money?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. And you took Williams's note for the money?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Secured in what way?

Mr. BENTLEY. I took his personal note.

Mr. EMBRY. With the promise of Rodkey to stand good for it?

Mr. BENTLEY. While Rodkey was not an indorser Rodkey said Williams was honest and reliable. The only thing he thought that could make it unsafe was that Williams might die or get killed, or something of that kind. So before I would make the loan to Williams I required him to make a will and suggested it to him. He was very cheerful and made a will, so that in the event of his death I would be secure.

Mr. EMBRY. Was it at that time that Rodkey agreed to stand good for it?

Mr. BENTLEY. Rodkey brought Williams to me and stated that he thought it would be safe to let him have the money. He said he was a square fellow and would pay it. He thought he had ability to pay, but Williams later became very reckless and went crazy over mining propositions, and neglected his business, and I saw he probably would not be able to pay me, and I thought perhaps in his mining enthusiasm he might dispose of the land and I would not get my money, and Mr. Rodkey advised me that he thought there would be a remedy, that he felt morally under obligations to me to get my money. So he gave me the information upon which I based my reasons, for as you will see in my affidavit I testified from information and belief, of course.

Mr. EMBRY. I beg your pardon, I do not think you did.

Mr. BENTLEY. Such affidavits are usually so written—it should have been.

Mr. EMBRY. Do you mean the affidavit in a land contest?

Mr. BENTLEY. It is always from information and belief.

Mr. EMBRY. And the real affidavit in that contest must be from information and belief?

Mr. BENTLEY. As I understand it, both the affidavit of contest and corroboration may be from information and belief.

Mr. EMBRY. Do you want to say now you only made that affidavit from information and belief?

Mr. BENTLEY. I say that the record shows that I did not. Whatever the record shows is probably correct.

Mr. EMBRY. I observe that Ives's affidavit stated that Williams committed perjury in entering this land, because he made these arrangements with Rodkey?

Mr. BENTLEY. He alleges that.

Mr. EMBRY. He alleges that in his affidavit and you corroborated it?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. At the time Williams made the entry he was to pay Rodkey to prove up part of the land?

Mr. BENTLEY. I do not think so. It was purely a disposition on the part of Rodkey to want to benefit Williams and Lyle. I think Lyle had put a good deal of money in that land. There had been a

great deal of litigation over it and I think Rodkey was in a position to help out both Lyle and Williams, and possess the land.

Mr. EMBRY. You advanced this \$2,000 to buy Lyle out?

Mr. BENTLEY. To pay several things.

Mr. EMBRY. That was done before Williams filed on this land, or at the time Williams filed on this land you advanced the money?

Mr. BENTLEY. It was done of course at the time. Williams could not file until the contest had been withdrawn and a claim for homestead filed.

Mr. EMBRY. You advanced the money and Williams paid the man. Do you not know it was at that time that Rodkey agreed to stand good for it, at the time you advanced the money?

Mr. BENTLEY. Rodkey had brought Williams and urged me to make a loan of the money to Williams.

Mr. EMBRY. Yes.

Mr. BENTLEY. And assured me that he believed it was all right, that Williams was a fellow who would pay; he was a thrifty boy, was a hard-working fellow and made a good deal of money at his trade.

Mr. EMBRY. Did you learn at that time of the arrangement between Williams and Rodkey?

Mr. BENTLEY. No, sir.

Mr. EMBRY. How long afterward did you learn of the arrangement between Williams and Rodkey?

Mr. BENTLEY. I think the first knowledge I had between Williams and Rodkey, that is as to Rodkey having any interest in the land, or any agreement between him and Williams, was when Rodkey became alarmed and thought Williams was becoming unreliable and probably would not pay me; that I would lose my money.

Mr. EMBRY. Then he suggested that you contest it?

Mr. BENTLEY. He suggested that there should be some remedy, he thought probably under the law Williams's homestead entry would not stand; that he had some interest with him. Of course I had forgotten exactly what it was. I was led to believe and did believe that. I do not know but what I went and talked to Williams. He may have admitted that that was the case. I do not recollect. It is a long time ago; the circumstances happened a long time ago.

Mr. EMBRY. Now, following this contest, after that Williams relinquished, did he not?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. The whole matter was friendly between you and Williams and Rodkey and Ives?

Mr. BENTLEY. I had some contention with Williams. I had to pay him for some improvements he had on his crops growing on the land, and we finally settled it, and I took his relinquishment and his improvements and paid him for them.

Mr. EMBRY. About that time there was difficulty over the same transaction, Ives dismissed his contest and relinquished his claim?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. And you filed on the land?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. That is the way you secured your homestead?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. You have considerable improvements on the farm now?

Mr. BENTLEY. Yes, sir; it is well improved.

Mr. EMBRY. What is your residence worth?

Mr. BENTLEY. The improvements on the land were—I do not know that I have ever kept such an account that I could say exactly what any particular improvement was worth; but I value the improvements at about \$5,000.

Mr. EMBRY. Your residence, approximately, what would you say it was worth?

Mr. BENTLEY. Somewhere between four and five thousand dollars.

Mr. EMBRY. When did you erect it?

Mr. BENTLEY. I filed November 10, 1904, I believe it was, and in May or June following, before the six months were out, I think in April, I began quarrying rock. It is a very substantial house. The first story is of rock. I think I began to quarrying rock for the first story of the house and continued until I had it done, until the place was completed; cemented walks around it. It was all built in a substantial way.

Mr. EMBRY. In putting these improvements on there, what funds did you use in improving that homestead?

Mr. BENTLEY. I think a considerable part of the money that was used there was my wife's money.

Mr. EMBRY. From what source did she secure it?

Mr. BENTLEY. I do not know that I will be able to give anything exact. We owned a good deal of real estate in Shawnee in her name.

Mr. EMBRY. Was there any money from the Indians?

Mr. BENTLEY. If there is a dollar of Indian money in my homestead or anything connected with it, I do not know it.

Mr. EMBRY. Mr. Bentley, did you have a conversation with L. C. Grimes after you returned from Mexico about the settlement of these matters?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Where did that conversation take place?

Mr. BENTLEY. I think I met Mr. Grimes twice, once at Oklahoma City and once at Shawnee.

Mr. EMBRY. What was said at Shawnee about the matter?

Mr. BENTLEY. Alexander came and hunted me up and said he had been down there and found the whole thing was a forgery and a fraud and could be broken up. He thought the other fellows were not treating Grimes right; Grimes was an old partner of his, and he thought they were going broke, and Grimes was going to be broke, and that if some understanding could be had with Grimes that Grimes would explode the whole thing and it would fall to pieces and the Indians would get their lands back. I encouraged Alexander to talk, and a great deal of his talk was in the presence of a very reputable man, who I do not at this time care to mention.

Mr. EMBRY. State his name. I would like to have it.

Senator CURTIS. I think you had better state his name, Mr. Bentley.

Mr. BENTLEY. I do not know that there is any real objection, except that he might think I was taking advantage of his confidence, and I am a little delicate about it.

Mr. EMBRY. I know; but the facts are too important.

Mr. BENTLEY. Of course, if the committee insists I will have to give the name. The conversation was in the presence of Sam Powell.

Mr. EMBRY. What was the conversation?

Mr. BENTLEY. Alexander came and wanted to talk, and Mr. Powell happened to be present when he approached me, and I insisted, if he had anything to say, that he say it in Mr. Powell's presence.

Mr. EMBRY. What was said there?

Senator CURTIS. State what he said, as near as you can recollect.

Mr. BENTLEY. Well, he stated that he had been down there and found that the thing was a forgery and a perjury, and, as I stated, could be exploded, and that he believed—

Senator CURTIS. What do you mean by a forgery?

Mr. BENTLEY. I mean all that had been done with relation to taking deeds in Mexico.

Senator CURTIS. By whom?

Mr. BENTLEY. By Grimes, Chapman, and Brown, and all the parties who were interested in taking those deeds that were taken before the Mexican authorities in Mexico.

Senator CURTIS. What were forgeries?

Mr. BENTLEY. That the deeds were forgeries and utterly void if the facts were disclosed. That was the tenor of the statement by Alexander to me, and he said Grimes had told him all about it and knew a great deal about it from what he had observed down there, and he talked a long time and a great deal about it.

Mr. EMBRY. All of the conversation occurred in the presence of Mr. Powell, did it?

Mr. BENTLEY. Yes, sir; and he insisted that I come over to the hotel and talk with Grimes.

Mr. EMBRY. That was at Shawnee, was it?

Mr. BENTLEY. Yes, sir, at Shawnee, and I went over there and had quite a lengthy conversation.

Senator CURTIS. Who is Tony Alexander?

Mr. BENTLEY. Tony Alexander is the same Tony Alexander who has been testified to so often in the earlier stages of this testimony as "Split Lip."

Senator CURTIS. Is he the same man whom the banker, Benson, testified he had employed at so much a month to go down there and represent his people, or Benson's people?

Mr. BENTLEY. Yes, sir; he so stated to me at the time—that he was or had been employed by Mr. Benson. I think he was then employed.

Senator CURTIS. You heard Mr. Benson's testimony—that he had employed him?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. That was the same man, was it?

Mr. BENTLEY. The same man.

Mr. EMBRY. And he is the same man who so frequently associated with Grimes and his people at the time they secured those deeds?

Mr. BENTLEY. Yes, sir; I felt that some information would be obtained by going over there and talking the matter over with them; that they would probably disclose the details that I was not already aware of, and I found that I did get a good deal of useful information out of them.

Mr. EMBRY. You had a talk with them at which hotel?

Mr. BENTLEY. At the Burt hotel.

Mr. EMBRY. Who was present?

Mr. BENTLEY. Alexander was present part of the time.



Mr. EMBRY. Who else?

Mr. BENTLEY. No one else except Grimes, of course.

Mr. EMBRY. Was Mr. Powell present then?

Mr. BENTLEY. No, sir.

Mr. EMBRY. Tell us all that was said in that conversation?

Mr. BENTLEY. Grimes went on to say that if a satisfactory arrangement could be made that he was willing, as he put it, to break up the whole thing—that is, to reveal such facts and testimony as would vitiate the deeds that had been taken in Mexico; he was ready and willing to do that provided he could be secured in getting some of the land that would not be incumbered and would not be in litigation, but he attached a further—I do not know exactly how to express it—

Senator CURTIS. Condition?

Mr. BENTLEY. Yes, sir; or proviso, that other Indians could be moved to Mexico and he should be associated with me; and of course I very frankly told him that in view of the things that he had been having done, and his character, that I would not consider for a moment being associated with him; and I stated to him that it was wicked and terrible the way they had treated the Indians down there, that they had been honest and loyal to me and I could not entertain the idea of getting any more Indians in such a position, or be associated in such things, and Grimes said “Damn the Indians, they are wolves, all of them.”

Senator CURTIS. What part of the land did he want?

Mr. BENTLEY. The conversation did not drift that far, except if I would deed him some of the land over which there was now no litigation or controversy—I think he named the allotments, but I have forgotten which, two or three pieces of land, if he could get those pieces of land and get them clear and be in a position where he was certain he would get them, he would give all the details and aid in destroying the deeds that were taken in Mexico.

Senator CURTIS. In speaking of Grimes, you mean L. C. Grimes?

Mr. BENTLEY. Yes, sir.

Senator CURTIS. Who was a partner of Benson, Chapman, and Brown?

Mr. BENTLEY. And Johnson; yes, sir.

Senator CURTIS. He was also a partner of the people known as the Johnson, Cade, and Grimes crowd?

Mr. BENTLEY. That is the same Grimes.

Senator CURTIS. And a partner of Garrett, Conine, and Jacobs?

Mr. BENTLEY. That is the same Grimes.

Senator CURTIS. That is the man, is it?

Mr. BENTLEY. Yes, sir; the identical person.

Senator LA FOLLETTE. What reason did he assign to you, after you got over to the hotel, for being willing to make this disposal?

Mr. BENTLEY. His reason was that the parties who had furnished the money, particularly Benson, had not been fair with him, and that it appeared the land was going into litigation; that Benson would claim so much for expenses and so much interest on the money invested that in the end he would get nothing out of it, and he seemed very much discouraged at the time about his prospect of profit.

Mr. EMBRY. What is your best recollection now as to the land that Grimes would want, as the condition of his turning this all up?

Mr. BENTLEY. My recollection is that he indicated that he wanted several pieces of land in the neighborhood of where he had lived up there.

Mr. EMBRY. Did he give you any of the details or tell you any of the features wherein he could be of service in turning this matter up?

Mr. BENTLEY. No, except in a general way, that he was willing to disclose all the facts which would utterly destroy all the deeds taken down there in Mexico and return the land to the Indians.

Mr. EMBRY. Did you have a conversation with him at another time, probably later at Oklahoma City?

Mr. BENTLEY. Yes, sir; I believe Mr. Grimes came to my room once in Shawnee at the Norwood Hotel.

Mr. EMBRY. Was anyone present at that time?

Mr. BENTLEY. Probably Grimes's nephew may have come with him, but I do not remember.

Mr. EMBRY. What is his nephew's name?

Mr. BENTLEY. W. C. Grimes. At the time referred to at the Norwood Hotel Mr. Grimes came and said that Benson had sent him to see if this matter could be fixed up; that they were willing to turn over to me, as I understood it at the time, about \$20,000 that was in the First National Bank at Eagle Pass, and add \$500 to each allotment that they had a deed for, which would amount to about \$50,000 that they were willing to pay.

The CHAIRMAN. Do you mean to pay an additional amount?

Mr. BENTLEY. Yes, sir; the additional amount they proposed to pay if I would get out and have nothing to do with the litigation and go away and stay away; it was the amount of money they would give me to compromise and have nothing more to do with it—about \$50,000, and that would include the money then in bank to the credit of the Indians at Eagle Pass. I led Mr. Grimes along to think that something might come of the negotiations, and it was through that conversation with him that the schedule now in this record was submitted to me by Benson as to the land that Benson was to get. It is on page of the record. Exhibit No. 15.

Senator CURTIS. I want you to correct that. It is hundreds of dollars.

Mr. BENTLEY. The right hand column was put in in lead pencil by me.

Senator CURTIS. In whose handwriting?

Mr. BENTLEY. The right hand column was hurriedly put in in my hand.

Senator CURTIS. At whose suggestion?

Mr. BENTLEY. I can not say; the figures on the original paper, in the first column, were in Benson's handwriting. That was the condition the paper was in when it was handed to me. In making computations in my own mind as to the actual value of the land, but I recall now that I did it when called upon by Senator Clapp to indicate the real value of the land.

Senator CURTIS. There are four \$35 items.

Mr. BENTLEY. That is intended to be hundreds. That is intended for \$3,500, \$1,500, \$3,500, \$8,000, \$3,500, and \$3,500.

The CHAIRMAN. Then the balance is correct?

Mr. BENTLEY. Yes, sir. My computation there shows that they secured \$85,100 worth of land for \$18,600, which they had never paid, which was still in bank, and which if I had become party to the robbery they would turn over to me instead of the Indians.

Mr. EMBRY. They represented to you that that was the money they had expended, did they?

Mr. BENTLEY. Yes, sir; or were to pay.

The CHAIRMAN. The first column was what they were willing to pay?

Mr. BENTLEY. No, sir; the second column is my estimate of the value of the land.

Mr. EMBRY. If I understand the proposition made to you at the Norwood was that you would check down for yourself or the Indians that amount?

Mr. BENTLEY. They were to draw down this \$18,600 and deliver it to me.

Mr. EMBRY. They were to check down and deliver to you the moneys then remaining in the First National Bank that had been deposited for the Indians and pay you an additional amount equal to \$500 per allotment?

Mr. BENTLEY. Yes, sir; I think it was figured out there that the total amount would be about \$50,000. At that time and in that conversation I also gained a great deal of information from Mr. Grimes as to what he had done in Mexico and as to the plans of the outfit.

Senator CURTIS. State what it was.

Mr. BENTLEY. Well, as to the Indians being taken to Guajardo's and the policemen being there, and their being intimidated and brought there; that they brought them there under armed guard, and while Grimes did not say that they never signed any deeds there he would not insist that they had signed any. In contending with him about it he did not state to me that anybody ever signed anything, and he admitted that he had never paid them anything.

Mr. EMBRY. Can you state the conversation just as it occurred there, as near as you can recall the language?

Mr. BENTLEY. Well, probably I talked to him for two hours there. We quarreled about the matter, and it would be very difficult to state the exact language. Probably if I should think the matter over I might recall a great deal as to what was said, but in this hurried statement I may not be able to recall it all. I do now recall that the proposition to compromise was under consideration at three different times, first at the Stewart Hotel in Oklahoma City, probably in October, 1906, and at the solicitation of Mr. Grimes's attorney. The next interview was a few days later, at the Norwood Hotel at Shawnee, Okla., and the last was the time related, when Alexander opened the negotiations, which was at Shawnee, in March, 1907. In the negotiations at Oklahoma City it was proposed that a part of the \$500 on each allotment should go to Grimes. Later on, at the Norwood Hotel in Shawnee, Grimes suggested that a more advantageous arrangement might be made if I would accept some allotments in lieu of money. I assured him from time to time that if I found him insincere the negotiations would end, and at the Norwood he suggested that I take some minor allotments, which he, of course, knew

they had no title to, and this gave me an opportunity to say, "You are not sincere," and to terminate the negotiations, and there it ended, except, perhaps, some conversation with Mr. Benson when he approached me seeking some kind of a compromise, and I said to him, "The subcommittee or members of the Indian Committee of the Senate on Indian Affairs are now in the Indian Territory, and if you have anything to propose lay the matter before them." I have now given as complete a synopsis of the efforts on the part of the Chapman-Grimes-Conine crowd to compromise as I am able to do without further reflection, except to say that they at all times up to November of the present year continued to send any and everybody to me that they thought might have any influence, urging that the matter be compromised and the scandal that would grow out of the investigation be avoided.

Mr. EMBRY. Give us briefly what was said at Oklahoma City?

The CHAIRMAN. This last time.

Mr. BENTLEY. Well, the conversation was along the line that nobody would believe the testimony of the Indians, and that Grimes was going to win anyhow, right or wrong. We contended as to whether the Indians had signed or not and in the conversation I learned that some for whom they had deeds had never been to Guajardo's house at all; this was the first conference.

Senator CURTIS. Right at that point. Did you get the names of any of those Indians?

Mr. BENTLEY. It was through that conversation that I learned that Tah-pah-she had never been to Guajardo's house. I remember making a remark to Mr. Grimes that he surely did not intend that Paw-kaw-kah, the imbecile Indian, ever signed any deed. He said, "Well, hell, it does not matter whether he came upstairs or not, he would not have known it if he had come upstairs whether he signed or not;" I remember that statement.

Mr. EMBRY. Let me interrupt you there. Did Paw-kaw-kah sign a Government deed?

Mr. BENTLEY. Yes, sir; I think he did.

Mr. EMBRY. Where did he sign that deed?

Mr. BENTLEY. I think it was signed in Mexico or in Eagle Pass before somebody.

Mr. EMBRY. Do you know when he signed that deed?

Mr. BENTLEY. I would not be certain as to that. I thought at the time that it was a very remarkable thing that the Government would permit the approval of a deed given by an imbecile, because the records here showed that he was an imbecile.

Mr. EMBRY. That is true, but people do not always look at records. Did you make any representation that he was an imbecile at that time?

Mr. BENTLEY. I do not think I did; I had nothing to do with it officially. The Indians were very much in need of money; it was agreed between Okemah and Wahpahchequa when he made the deed that if his money ever came it was to be used to provide a home for all of them, and inasmuch as they had to support him and take care of him, I thought if the deed went through, let it go, but I did not suppose it would ever go through. I was very much surprised when

the agent put up and advertised the land for sale under the circumstances.

Mr. EMBRY. Do you know who witnessed the deed?

Mr. BENTLEY. No, sir; I do not recollect.

Mr. EMBRY. You were not present at the time?

Mr. BENTLEY. I may have been and I may not have been; I have no distinct recollection. I may have been present and may have witnessed when he touched the pen.

Mr. EMBRY. He was at that time an imbecile, was he?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Did you make any effort to get that money from the Government after the deed was approved?

Mr. BENTLEY. No, sir; I do not think I ever did myself. After that money came into the hands of the Government Mr. Thackery sent to Mexico \$10 a month of the principal, and I told Mr. Bonnet about it and he wrote to the Indian Office and told them that rather than the boy's money should lie in the bank and yield him no interest that they would take his money and give a proper bond for it, and would give \$10 a month for the use of it, so the principal would remain intact. I have an idea that it was that proposition on the part of the Border National Bank probably suggested the idea that those moneys should be in some way put out on interest. Mr. Thackery, it seems, took it up with the Indian Office and said he preferred to loan the money there in Shawnee to the local banks, and he, I think, asked authority to advertise for bids for the money.

Mr. EMBRY. Did not Mr. Thackery suggest that if the money was loaned to Mr. Bonnet that some security should be given?

Mr. BENTLEY. The bank itself, in its application to the Indian Office, stated through Mr. Howe that they would give a proper bond if they received the money.

Mr. EMBRY. And nothing else was done. The Government loaned it under the general rule, did it?

Mr. BENTLEY. I think it is bearing 5 per cent or 6 per cent interest; something like that.

Mr. EMBRY. Now, let us go back to the Oklahoma City conversation. How long were you over there with Mr. Grimes?

Mr. BENTLEY. We talked for three or four hours about various things. Grimes is a hard man to talk to.

Mr. EMBRY. I think it was after they made this compromise contract which you suggested they made.

Mr. BENTLEY. Yes, sir; it was after that.

Mr. EMBRY. Did any of those other fellows at any time—I mean the fellows who were associated with Grimes—come into this conversation?

Mr. BENTLEY. No, sir; but everybody in the country there, bankers and all kinds of people, had harassed me to death and chased me all over the country, talking compromise.

Mr. EMBRY. Was Joe Adams, the lawyer, present at any of those conversations?

Mr. BENTLEY. Joe Adams was at Oklahoma City at the time I talked with Grimes, and he left and went to Shawnee. He caught a late train, I think. It was through Adams that I talked with Grimes, in fact. Adams urged me to talk with Grimes about it.

Mr. EMBRY. Adams was the attorney for Grimes, was he?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Where did Adams solicit you to go and talk with Grimes?

Mr. BENTLEY. I think Adams sent me word at Shawnee and talked with me about it at Tecumseh. He said he wanted me to talk with Grimes. He said that unless something was done the chances were that if I persisted in my course there would be endless litigation in the matter, and he thought it would be better for the Indians and better for everybody if it could be fixed up; that if the Government took hold of it no one would get anything.

Mr. EMBRY. Did they in those conversations submit any scraps of paper or data or anything other than appears on page 31?

Mr. BENTLEY. No, sir; Benson was the only one who ever submitted anything that I recall in writing, except Grimes had some papers with figures and names on them at the Norwood Hotel, but I cannot say that he submitted them; I do not recall what became of them.

Mr. EMBRY. Benson's conversation with you was apart from the conversation with Grimes?

Mr. BENTLEY. Yes, sir; I talked with him at the Oklahoma National Bank.

Mr. EMBRY. What did Benson say?

Mr. BENTLEY. Benson said that somebody—I have forgotten who—but some one told me that Benson wanted to see me; that Benson wanted me to call at the bank, and I had some other business at the bank, and while in there I became engaged in conversation with Mr. Benson, and Benson said that it looked like he had got into a pretty bad deal and he would like to get out of it; that he would like to compromise it, and I led him along and got all the information I could out of him as to the amount of money he had in it and how he felt about it. At that time I felt very sore at Mr. Benson; I had advised him to keep out of it; I told him it was robbery and that he would lose his money prior to that time, and the result of that conversation was that I suggested to him "well, I do not know what you have bought or claim an interest in;" I said "prepare a list of the deeds you have got, showing the land and the money you have paid and what you have a claim to," and he said "all right, call in the morning, to-morrow, and I will give it to you," and I called and he gave me the list which is now in the record.

Senator CURTIS. Is that the list you got from Benson?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. I want to ask you about an attorney's fee that you had to pay to a lawyer in Mexico. How much did you say it was that he sued you for?

Mr. BENTLEY. He sued me, I think, for twelve or fourteen hundred dollars.

Mr. EMBRY. And you paid him how much?

Mr. BENTLEY. When the suit was compromised the expenses of my attorney in making the compromise and the amount paid the Mexican lawyer was \$1,000.

Senator CURTIS. You had paid him something before that, had you not?

Mr. BENTLEY. Before that I had paid him \$200 Mexican money and I think Mr. Field had given him \$200, and I had given him \$60 expense money. I sent the \$200 to him by Mr. Field.

Mr. EMBRY. What did he do for you there for that fee?

Mr. BENTLEY. Well, he appeared there and claimed to defend me. He did not make much defense, however. He seemed to be afraid of the judge.

Mr. EMBRY. Was any of that fee to go to any one else through that lawyer?

Mr. BENTLEY. It was his fee and expense money that he claimed to be getting from me at the time of settlement. He sued me. The correspondence in that matter might be of interest. I was very much surprised when I received a letter from the Border National Bank with the bill inclosed for this twelve or fourteen hundred dollars, and I wrote him and told him that I thought of employing an attorney regularly in Mexico, but if his charges were a sample of attorney fees in Mexico it was just as well to be robbed in the first instance as the last.

Mr. EMBRY. Did you have any arrangement with him before you engaged him as to his fees?

Mr. BENTLEY. I could not say; I was there in jail and he was the only lawyer in Mexico who was available. A man who was a friend of Galindo recommended him to me and guaranteed that Galindo's charge, including his expenses, would not exceed \$180; the man's name was Castillos. It seemed that Outcalt and Grimes had not found out who he was. He is a Cuban and a newspaper man down there. I met him on the train when I was coming from Saltillo to Mexico the day I was arrested. I told him my conversation with the governor; that I had been assured by Governor Cardenas that I might return to Muzquiz and I would not be arrested and imprisoned, and he stated that he knew the governor well and that he might be of some use to me there; and I outlined to him that those men were there to rob the Indians and that I was trying to defend the Indians.

Mr. EMBRY. Mr. Bentley, what property have you other than this trust property?

The CHAIRMAN. Suppose you let Mr. Bentley finish his statement.  
Mr. EMBRY. Pardon me.

Mr. BENTLEY. So I suggested to Castillos that, being a stranger, he might get in touch with Outcalt and Grimes, and more particularly Outcalt, and find out for me what their purpose was; and I suggested that probably they might employ him as interpreter, and I think they did employ him as interpreter. I did not have an opportunity to see him until I was arrested and taken up and put in jail. He came and told me later that this gang was after me and was going to hold me in prison indefinitely, if they could. He said: "The plan is to try you here and take you to Monclova to the general prison and keep you there until they get through with these Indians." It seems that Outcalt or some of them had disclosed their plan to him so that he knew exactly what was being done. He said to me then, "You have no more show here than a sheep would have among a lot of wolves unless you get an attorney of some note." I then inquired of him what it would cost and gave him \$10, and he went to the telegraph office and wired for this man Galindo. He stayed around there several

days. He advised me when I was acquitted to get out of there and never come back. He said: "These fellows want you. There is a lot of money up somewhere." And he said: "If you attempt to escape, be very cautious, because they would not hesitate to murder you; they would turn a lot of these criminals loose and make special policemen of them, and if they get you they will murder you." That was Castellano's statement to me. I learned afterwards that they did do that. Well, that night, or at 3 o'clock the next morning, Conine appeared at the hotel at Esperanzas and demanded of the proprietor that he be permitted to search the hotel. I arrived in Esperanzas about 6 o'clock in the morning and stayed at the home of a friend. The police and rurales were searching the town for me all day, but they failed to find me, and that night I escaped on horseback, going from there to Barroteran, with the expectation of catching a freight train at 11.30. I had an order from the railroad company for any conductor of any train to carry me out and conceal me if possible, and I took refuge there in the car repairer's house or office.

Soon after I arrived there the car repairer brought in a telegram that he had copied from the book in the operator's office, and he would copy the messages and bring them in to me. About the first telegram that came was one to the authorities at Sabinas, or rather from Guajardo to Sabinas, which is 20 miles east of Barroteran, and Guajardo wired them to be on the lookout for me and search everything. The next telegram that came was to the chief of police, stating that he and his whole force would be held responsible if I got by. That was the night they arrested Field at Sabinas and threw him in jail in the same way they did me, thinking he was me. My freight train did not come, and at probably 2 o'clock in the morning a policeman came in the room where I was and I hid behind the door and as he came in he pushed the door against the wall, and I side stepped; he proved to be a fellow who did not have very good eyesight and the door slammed against the wall, and as he pulled it back I stepped behind it and he took a big stick and punched behind it and all the cots with his stick, and went out. The freight train did not come and when I saw daylight was coming I could not go in the desert to hide because there was no water, and that meant death; so this car repairer arranged with the section foreman to hide in his house and I crossed the track and laid down there and about 9.30 a. m. that freight train came, and he saw the engineer and arranged with him, and while the police were standing on the platform on the opposite side this foreman and I walked down the other side; he had a newspaper in his hand and appeared to be reading something to me. I kept on the opposite of him and we walked down the track and got into the caboose and somebody gave the engineer a signal and we got out of there. Unfortunately there were five or six Mexican dead beats on the train and I knew they would give me away when we arrived at Sabinas, so I induced the train crew to stop out there in the desert, 10 miles away, and put them off, and when we arrived at Sabinas they locked me in the locker of the caboose. They said "We have had nothing to eat yet and we can not get out of here until half-past 11," and I said "If you will let the matter of your breakfast go; let it appear that you are doing your switching before breakfast and get your train ready to leave, and if you can get a clear track and get



me out, I will give you \$10 each." They made that arrangement with me and we were only in there twenty-seven minutes, but if we had remained there until half-past 11 o'clock, I would have perished in that place, and besides the policeman would have broken into that caboose: they were just waiting around there until the crew left and they probably would have attacked the caboose. Fortunately the track was clear from there to C. P. Diaz, and the engineer pulled out slowly as if he was going up to back in on a switch, and when he got a couple of train lengths away he put on full steam. Of course the rest of my trip was attended with more or less difficulties, but I do not care to take the time of the committee to dwell upon them, except to say that I found both the wagon and railroad bridges guarded at C. P. Diaz, and had I started to cross in the ordinary way I would have been arrested and imprisoned there.

Mr. EMBRY. Mr. Bentley, what property have you other than this Indian property?

Mr. BENTLEY. In Oklahoma?

Mr. EMBRY. Yes; in Oklahoma.

Mr. BENTLEY. The only estate that I have in Oklahoma that is in my own name is my homestead.

Mr. EMBRY. What property have you elsewhere?

Mr. BENTLEY. I have no other property elsewhere except property that I owned and estate that belonged to me before I ever saw a Kickapoo Indian, and I will therefore refuse, or would rather not testify as to that; I consider that strictly my own private business. I have invariably had plenty of money since I have been in Oklahoma, and to disclose my resources outside of Oklahoma I do not think I should be required to do so.

Mr. EMBRY. I ask you this question, Mr. Bentley, because you assume to act as trustee for a number of these Kickapoo and other Indians. It has been shown by the testimony that Mr. Ives, who holds the title, receives these trust funds and turns them over to you without requiring you to account for them.

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. And your financial responsibility to respond to these Indians at any time for moneys received is, in my judgment, a proper subject of inquiry.

Mr. BENTLEY. As to the question of my liability I will state to the committee in all candor that within four hours at any time when I am in the city of Shawnee I can make myself responsible in judgment, I believe, to the extent of \$75,000 or \$100,000. I am not insolvent; I have met all the Indians' notes as they matured or when they wanted their money. I am ready and willing to account for every dollar that I ever had of their money, and I submit to the committee that I have taken the only course that I could have taken to protect their interest and conserve their funds.

Senator CURTIS. Mr. Embry, do you insist upon an answer to your question?

Mr. EMBRY. Yes, sir.

The CHAIRMAN. You should not ask that question. We are not investigating this question of trust now.

Senator CURTIS. Mr. Chairman, do you not think that you should submit the question to the committee?

The CHAIRMAN. In my judgment there is nothing in our investigation that would be assisted by this information.

Senator CURTIS. I desire to state that my judgment is that as these people are trying to ascertain the responsibility of Mr. Bentley in case of a failure to carry out the trust, that they have a right to know his financial condition, as to whether or not he is able to respond in case this trust is not properly administered. Of course, I realize as a lawyer that if he fails to properly account for the trust he is liable criminally in the courts of Oklahoma, but I still believe he ought to answer the question so that the Government may know, and so that the committee may know, as to whether or not he is perfectly able financially to administer the trust.

The CHAIRMAN. Whenever the Government wants to take any steps to make him comply with his obligations—if they have the right to do it at any time, which I am not certain about—then he will be called upon to disclose. I do not think, in view of the reason which he gives, which I think a very good one, that he ought to be compelled to disclose it.

Mr. BENTLEY. I do not mean to convey the impression that I am at all insolvent; I owe nothing that I can not pay; I owe nothing on earth to anybody except the Indians. I would like to say in this connection, because I think it is important, that prior to the time Mr. Outcalt put me in prison and brought about this trouble my wife had never signed a note in her life. The first obligation that she ever signed in her life in the way of a note or mortgage was a note for \$5,000 to secure the Border National Bank for money used for the Kickapoo Indians, but prior to that date neither she nor I owed any person on the face of the earth that I know of except those few Indian notes, and those we have always met and paid promptly as they matured, and in the full sense of the term I believe I am more than solvent, because I can pay ten dollars for every dollar of obligation against me. I do not know of any suits pending against me except one of a bluff nature, although I have numerous suits pending against others for funds due me.

The CHAIRMAN. As far as I am personally concerned I do not think this matter is pertinent to anything that we are examining, and very much of the whole day's examination has been entirely foreign to the purposes of this committee. I have nevertheless been willing, as far as I was concerned, that Mr. Embry, representing the Interior Department, but more particularly the Commissioner of Indian Affairs, I suppose, should have all the latitude he wanted, but when a witness gives as good a reason as Mr. Bentley has given here in his answer I am not in favor of requiring him to answer the question because it will simply enable those people who have been stealing from the Indians to steal a little more from the Indians and make it a little easier for them.

Mr. BENTLEY. I hope I am not appearing too persistent, but I think—

Senator CURTIS. Mr. Bentley, the question has been passed upon by the chairman.

Mr. BENTLEY. Even though it has been, I want to say one word about it. I live in a community where I am liable to be sued and otherwise harassed. The special representative of the Indian Office,

I understand, has stated that it was their purpose to break me and ruin me so that I would have to desist from any further connections with the Indians, or any further annoyance of the Commissioner of Indian Affairs, and I do not like to place myself in any position where they can injure me any further.

Without concluding the examination of the witness, Bentley, the subcommittee adjourned until to-morrow, December 6, at 10 o'clock a. m.

WASHINGTON, D. C., *December 6, 1907.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Teller (chairman), Curtis, and La Follette; also, Mr. John Embry and Mr. James F. Allen, representing the Interior Department, and Mr. Martin J. Bentley, representing the Mexican Kickapoo Indians.

MARTIN J. BENTLEY recalled for further examination.

Mr. EMBRY. Mr. Bentley, in speaking of this letter which purports to have been signed by We-ha-ni-ha and Noten dated Muzquiz, Coahuila, December 26, 1904, sent to Mr. Howe, of this city, I will ask you if you were present at the time Mr. Dickson made his investigation in Muzquiz?

Mr. BENTLEY. Yes, sir; I was present when he was in the tepee of the old woman referred to, and I was present when he came out of the tepee where the old woman lived, which is referred to in that letter—I was outside, around about there.

Mr. EMBRY. In the record here is what purports to be an affidavit made by Joseph Clark, subscribed and sworn to on the 14th day of August, 1906, as follows:

Joe Clark, of lawful age, being duly sworn, states that he was at Muzquiz, Coahuila, Mexico, in July, 1906, when Mr. Dickson was making his investigation of Indian matters there; that he was present and heard the testimony or statement of We-ha-ni-ha, a Kickapoo Indian woman, relating to her having written a letter to Washington requesting the paper through the Border National Bank, of Eagle Pass, Tex., of certain money derived from the sale of inherited land. She denied having written or signed any such letter or that she had authorized any person to write or sign such letter. After she had testified, and on the same day, affiant asked Bentley about this matter, and Bentley replied, "Of course she did not write it; I wrote it in Chester Howe's office in the city of Washington, and Howe took it to the Commissioner of Indian Affairs and there represented that it had been written at Muzquiz." Bentley said that he always wrote whatever he wanted and signed the Indian's name; that he had a supply of Galan's letter heads, and dated their letters as if they had been written at Muzquiz, and he said that he always had an old envelope that had been mailed at Muzquiz, Mexico.

(Signed)

JOSEPH CLARK.

Mr. BENTLEY. As to that letter, I do not think I ever made any statement about any envelope to Mr. Clark, but I was here in Washington representing the Indians and frequently letters came up from Muzquiz. Some Indian would write to me or to the Commissioner or to Mr. Howe and the verbiage of it was of such a character that no one could understand it who was not thoroughly familiar with what the Indian wanted to present, and I frequently prepared a new letter and sent it to Mexico for signature of the Indian and it was signed and returned here and then properly presented, and this is probably

one of those instances. Anybody would know that a typewritten letter covering a subject intelligibly could not be prepared by an old blind Indian woman, and my recollection is that in this instance a proper letter was prepared and returned, and I now call the attention of the Committee to the fact that Noten, one of the signers, was interrogated at Shawnee and gave testimony that he remembered the receipt of the letter that he sent, the first letter; that the proper letter was sent there and that he and his mother signed it, and the letter went, the money came and they received it. So far as I know, the transaction was regular. I probably did make the remark that of course she never wrote it, because anyone would know that she did not.

Senator CURTIS. Did you keep in your possession an old envelope, as stated by Mr. Clark?

Mr. BENTLEY. No, sir.

Senator CURTIS. Is it your practice to do that?

Mr. BENTLEY. No, sir; I have never followed any such practice; there was no occasion for it.

Senator CURTIS. Well, have you ever done it?

Mr. BENTLEY. No, sir; not to my recollection. I would not do a thing like that, because there was no necessity for doing it. I do not recall any instance of having made any such remark or any circumstance that would have suggested any such remark. The fact is that I did keep, and I have always kept, Mexican stationery here on which to prepare letters and send them to the Indians for signature, covering such matters as they desired to have presented here.

Senator CURTIS. But you had them sent there and they were always returned here?

Mr. BENTLEY. They were always sent to Mexico, and to somebody who could take them to the Indians and explain the matter to them and have them sign them and send them up here. That was the only way their matters could be intelligently presented here. Probably while I was here an occasion might have arisen for some Indian to have a letter prepared and sent to the Indian Office. If so, I would prepare it here and send it to Douglas, where the Indian now is, for signature, so that his matter could be intelligently presented. They can not prepare correspondence.

Mr. EMBRY. If the committee please, I desire to offer in this connection the report of Mr. Charles H. Dickson, which is a letter of October 24, 1905, addressed to the Honorable Commissioner of Indian Affairs, covering this matter.

Senator CURTIS. Is that not already in the record?

Mr. BENTLEY. I think it is.

Mr. EMBRY. With the permission of the committee, I will offer it, and if it is already in the record, of course it may be omitted.

(Mr. Embry here read the letter referred to.)

Mr. BENTLEY. I desire to say to the committee that Noten appeared before this committee and gave his evidence, and I submit that no more intelligent person appeared before this committee as a witness than he.

The CHAIRMAN. Is he a man who drinks?

Mr. BENTLEY. No, sir; Noten is a fellow who drinks some times. But he is one of those rare drinkers, and he is that kind of fellow

who if he was let alone, and the white men did not get hold of him and urge him to drink, would rarely drink. It would be a very rare thing for him to drink. Some fellow like Grimes, or other Indian debaucher, might get him drunk. I will say that he has been very kind to his mother; he has supported her for years and looked after her. She is blind. I think the committee will recall that Mrs. Bentley and others testified on the stand before this committee that this old woman is not only old and blind, but is so helpless that Mr. Grimes had to carry her out of the train and carry her on the train. at a station point, and she was left sitting on the platform, and persons tried to talk to her, and she did not seem really to have any intelligence; and a woman of nearly one hundred years of age when interrogated about a letter written several months or a year before, it is not strange that she might not have any recollection about it, though the receiving of the money was at a later period and was a matter that she necessarily would have a more distinct recollection of.

The CHAIRMAN. The letter was written long before the money was received, was it?

Mr. BENTLEY. Yes, sir; several months before.

The CHAIRMAN. And she says she never wrote anything about the matter? She might have understood that it was about the payment of the money.

Mr. BENTLEY. Another thing I think should be taken into account, that the interpreter, Mr. Jones, has denied a great many things that he did when he was on the stand; he denied interpreting a speech made by Wahpahchequa, which is in the record; and it should be further taken into account that Mr. Jones was decidedly unfriendly to me; he was an enemy of mine, and probably would not have hesitated to have the old lady say things that she did not intend to say, or fail to give it the exact meaning that she intended.

Mr. EMBRY. Why do you think that Henry Jones is unfriendly to you?

Mr. BENTLEY. Well, if he has referred to anything that has occurred that would be favorable to me he forgets it, and anything that would be unfavorable to me he has a faculty of always remembering it. I infer that his memory is biased against me.

Mr. EMBRY. Have you not had a general disposition to accuse anyone who has said anything or done anything against you of being unfriendly to you in this matter?

Mr. BENTLEY. No, sir; I am broad enough and I am man enough to look at matters of that kind in the proper light. A man might have occasion to oppose me and be honorable in it. If I was litigating with somebody and he opposed me and thought he was right I would not vilify him for it.

Mr. EMBRY. How was this speech of Wahpahchequa's that appears in the record preserved?

Mr. BENTLEY. It was reported in Dickson's report as having been made by Wahpahchequa, and Henry Jones was his interpreter. I asked Mr. Jones before the committee about the speech of Wahpahchequa and he denied that any was made; he denied any recollection of it.

Mr. EMBRY. Now, as to Mr. Gostin's testimony, as to something that was said by the judge of the San Francisco ranch about that

land being in your name, and giving some order as to the conduct of the Indians; you remember Mr. Gostin's testimony at Douglas, do you not?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. What do you know about that Judge going down there and saying to the Indians that that land was in your name and they could live there and cultivate it?

Mr. BENTLEY. I do not know anything about it; I know that the judge had told them before then that they had a right to live there; it was their land.

Mr. EMBRY. This was the San Francisco ranch, in which you hold one-fourth interest?

Mr. BENTLEY. Yes, sir; my accounts show that I paid the taxes and furnished them implements. They planted and raised crops. The Indians testified before this committee that that was their land. It is their land; absolutely theirs.

Mr. EMBRY. How do you explain the fact that this judge went down there and objected to their occupying it because it was your land?

Mr. BENTLEY. This judge, I understand, is the same fellow who signed as a witness to these forged checks photographed into this record, and was in with the Grimes and Conine gang in the scheme to buy land that they did not buy for the Indians over there. If he is referred to here as judge, it is a mistake. He is nothing more or less than a justice of the peace on that land to preserve the peace.

Senator CURTIS. He also witnessed a mark to a deed that was never signed, did he not?

Mr. BENTLEY. I think not this judge. His name appears, however, on all those forged checks.

The CHAIRMAN. What is his name?

Mr. BENTLEY. Santos.

Mr. EMBRY. If Santos went down there and gave these Indians directions or commands without your authority touching your property, it was a very easy matter for you to have corrected it, was it not?

Mr. BENTLEY. At a time when I did not know anything about it, and at a time when the Indians were making a desperate effort to get away from there—I do not know why I should have paid any attention to him.

Mr. EMBRY. You wanted the Indians taken away at that time, did you not?

Mr. BENTLEY. I was very anxious to get them away at that very time, yes, sir.

Mr. EMBRY. When that order was given to them by the judge to Gostin and them it was to facilitate the removal of the Indians, was it not?

Mr. BENTLEY. No, sir; I do not think so. There was a misunderstanding in regard to that. In the first place, Mr. Gostin went there intending that the Indians should plant a corn crop on that land this year. They went ahead and cleaned out the ditch and did a good deal of labor there. The order by Santos was evidently in the interest of Grimes, to force the Kickapoos over on the land that Grimes claimed he had bought for them and not let them occupy the land that I had bought for them. Soon after the judge took that posi-

- tion—or this justice of the peace—a notice came to take the depositions of the Kickapoos and to force them before the same parties who had forged their names or who had made false certificates and falsified the deeds that they are alleged to have made, and then I became very anxious to get the Indians out of his jurisdiction, because had the Indians been forced before him they would have been compelled either to have committed perjury and said they signed when they did not or they would have thrown them in prison, and I think I was right in getting them out if possible. I did get them out, though I would not have been able to get them out if the State Department had not interfered and sent a consular officer there, when the power or the opposition of the Mexican was over. They did not dare offer any opposition.

Mr. EMBRY. Where were you at the time the judge, Santos, gave this order for these Indians not to go on that land?

Mr. BENTLEY. I expect I was at Eagle Pass.

Mr. EMBRY. You were advised of the order, were you not?

Mr. BENTLEY. I do not think I was until some time afterwards. I received a letter from Mr. Gostin that the Indians had been told if they did not sign some kind of paper that Alexander brought they would be put out of the country. There were different and conflicting rumors. The authorities differed. It was one thing to-day and another thing to-morrow, but anything to confuse the Indians.

Mr. EMBRY. You have made no effort to reenroll the Indians or see what the roll of the Indians was; you made no effort to change this order of Santos, did you?

Mr. BENTLEY. I paid no attention to it at the time. I heard of it, and I concluded that it was best for them to leave there.

Mr. EMBRY. As to the title deeds and everything affecting this land or the rights of any of these Indians, are they in the custody of yourself and Mr. Bonnet or the Border National Bank?

Mr. BENTLEY. They are at this time. The titles to the San Francisco ranch and the contract from me to the Indians, or the disclaimer from me to the Indians of any real title or interest in the San Francisco land bought for them, was withdrawn on my request and given to Okemah, who was the proper custodian of those papers for the purpose of giving them to this committee, and I now have them.

Mr. EMBRY. Well, no public record has been made of any of those papers in Mexico or elsewhere except as appears in the record of this proceeding here, is there?

Mr. BENTLEY. Oh, yes, sir; the deed to the San Francisco property is recorded according to the usual custom in Mexico with the notary public who made it, who was the proper officer. They have a land office in Mexico where they record deeds.

Mr. EMBRY. There is a second recording district at Monclova where papers are sometimes recorded, is there not?

Mr. BENTLEY. Yes, sir; but it is not compulsory to record them there.

Mr. EMBRY. That is the only public recording place, is it?

Mr. BENTLEY. No, sir; there are two public recording places in Mexico, in that district, one 40 miles from the other. The notary public at Muzquiz has a public record of all conveyances made before him, which is a proper record.

Mr. EMBRY. What of those papers affecting the title to the San Francisco ranch and the rights of the Indians on your holdings, is that of record with this notary public?

Mr. BENTLEY. The deed to me of the land is of record there. You can not put an English written instrument of record with a Mexican notary, nor recording office; it has to be in Spanish and the original contract or declaration of trust as to that land from me to the Indians is in duplicate and in English. I hold one and Okemah holds one—that is, there are two originals, one a carbon of the other, and one of them I have here. I want to say to the committee, in fairness to myself, that it is impossible for me to make a deed to these Indians for that land, and it is very fortunate for them that I never had made one. In the first place, the land was purchased for seven, and it was paid for out of the funds of three. No money has ever been received by me from the sale of the land of the other four, and my contract recites that when the time shall arrive when I am able to determine whose money is invested in those lands, and the amount of interest that each of the seven shall have in the seven, that then I shall make a proper conveyance. Since then, however, the Indians, by proper instrument, have authorized me to sell the land and invest the proceeds elsewhere, so I would never deed that tract of land to them which would save them \$500 or \$600 in Mexican stamps to make a conveyance of that land.

Mr. EMBRY. As I understand, you sold the land of Okemah and Thi-the-quah, was it?

Mr. BENTLEY. Yes, sir, and Noten.

Mr. EMBRY. And from those sales you realized how much?

Mr. BENTLEY. I realized from the sales on the land of Okemah and his wife \$15,000, and from the sale of Noten's land \$2,900—\$17,900 in all.

The CHAIRMAN. That is already in the record.

Mr. EMBRY. In addition to these sales, was it for the same purpose that you mortgaged the other two farms to Mr. Bonnet?

Mr. BENTLEY. No, sir; the funds realized from the other mortgages have been moneys advanced to numerous other Indians for their support until some larger tract of land could be secured, and for their expenses in a general way.

Mr. EMBRY. This tract of land which was deeded to Mr. Bonnet, what was the consideration for that?

Mr. BENTLEY. I paid the grantee \$100. Mr. Bonnet has no interest in that land.

Mr. EMBRY. You remember Mr. Bonnet's testimony, something about a note of yours which he charged for?

Mr. BENTLEY. Mr. Bonnet, I think, was a little in error in his statement. The woman had had a note in bank, but at that time Mr. Bonnet was absent from Eagle Pass and I was very heavily overdrawn at the bank and did not feel like asking the clerks there to stand any further overdraft—I think I was overdrawn \$7,000, at that time when that woman came to me voluntarily to make a deed of her land. In other words she wanted to put in her land as the others had, and wanted \$100, and I took the deed in Mr. Bonnet's name to further secure the bank for my overdraft for funds that had been used for the Indians, and of course took the deed in Mr. Bon-



net's name and asked the cashier, in view of the security offered, to advance \$100, which he did; and it was charged to my account. When the land is sold I shall send a deed to Mr. Bonnet and he will deed it to whoever I may direct. The woman was before the committee and testified that she made a deed and made it understandingly. It was his impression that the woman had a note at the bank and it was paid out of this \$100; that may have been, but the \$100 was charged to my account.

The CHAIRMAN. Mr. Bonnet stated most distinctly that he made no claim to the property.

Mr. BENTLEY. There is no note or anything; that woman does not owe Mr. Bonnet anything. Mr. Bonnet has no claim of any kind or character against that piece of land and at any time will deed it if called upon to do so. I think the title is safe in his name. He is a reputable man, the president of the bank there.

Mr. EMBRY. Upon your return to Shawnee, at the time you stated in your testimony that you were under the impression that Thackery and Outcalt were in a conspiracy affecting your matters in Mexico, who did you talk with; who told you that these men were participating in a conspiracy to aid Grimes and his crowd, or to do more than go down and investigate the charges that had been made against you as to those seven allotments?

Mr. BENTLEY. The conversation I had with Mr. Benson. From his statements and the remarks he dropped I knew that he and Mr. Thackery were extremely friendly; they hunted and bred dogs together, and were social, and in every way were extremely friendly, and from the assurances that Benson gave that with my opposition or without it he would buy some of the land if he wanted it I felt satisfied that he would get it with Thackery's and Outcalt's assistance. I could not infer anything less; in fact, it was in the air. Everybody and anybody who talked with me about it was impressed with the idea not so much as to Thackery, but that Outcalt had gone down there to help Grimes and his gang to rob the Indians. I have never heard any expression to the contrary before nor since; it seems to be the conclusion of everybody who knew anything about it that he would do it, even before he had done it.

Mr. EMBRY. What other persons told you that at the time you refer to?

Mr. BENTLEY. I could not recollect everybody I talked to. I met numerous people on the trains usually, coming from Washington, and many of the people talked to me about Mexico and the Indian land matter.

Mr. EMBRY. Can you recollect any of them?

Mr. BENTLEY. Oh, I talked more with Mr. Clark and Mr. Benson, probably, than most anybody else, but I would not attempt to recall everybody that I talked with. Everybody I did talk to about it seemed to be impressed with the idea that there was a job on.

Mr. EMBRY. But you do not remember who those persons were?

Mr. BENTLEY. I would not attempt to say who they all were.

Mr. EMBRY. On page 213 of the record it appears that there is a telegram of Mr. Thackery to the Commissioner under date of May 18, 1906.

Mr. BENTLEY. Yes, sir; I have it before me.

Mr. EMBRY. In that telegram he refers to about twenty Kickapoo Indians being deceived into going secretly to Mexico. Do you know anything about that transaction?

Mr. BENTLEY. I at the time knew nothing about it except that there were also rumors current there that quite a bunch of Indians had been taken down there by Grimes and somebody. That was in advance of my arrival that they left there.

Mr. EMBRY. This was a Grimes scheme in deceiving these twenty Indians and taking them to Mexico?

Mr. BENTLEY. It was probably Grimes, Johnson, and the Shawnee crowd. It developed later that they took them down there.

Mr. EMBRY. Mr. Benson?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Mr. Thackery's report long before the bill passed is the conspiracy to indicate that they helped them?

Mr. BENTLEY. I think it goes to show that he was assured in sending such telegrams. He was probably leading up to the purpose.

Mr. EMBRY. You think that no action he took could be attributed to a good motive?

Mr. BENTLEY. No, sir; not as his conduct later showed.

Mr. EMBRY. What do you mean by that?

Mr. BENTLEY. Mr. Thackery was at Muzquiz when I was in prison, and he appeared to be very much elated that I was corralled, so his friends could rob the Indians. He was urged to come, by his advisors, even faster than the rail would bring him. He saw the Indians being debauched and ruined there. I do not know of any effort he made to prevent it. He was the Indian agent there. I saw Mr. Outcalt working on them and debauching them, and Grimes and the others. He seemed to be very social with them. I saw him from the prison gratings there talking with them; he failed to telegraph this condition.

Mr. EMBRY. Do you know that Mr. Thackery has always entertained the opinion that it was just as detrimental to the interests of these Indians for you to get control of this land as it was for anybody else?

Mr. BENTLEY. No, sir; I do not think he sincerely has ever had any such idea. My conduct with the Indians and the interest I have taken in them, the years I have devoted to their interests, the times I have gone and taken them out of prison shows to the contrary. Congress had expressed its opinion and Mr. Thackery knew it, and had no right to a contrary one. I want to say that William Murdock has testified here that I induced him to go to Mexico. Mr. Thackery sent an officer to the Missouri, Kansas, and Texas station and had William Murdock put in prison, and I had him bonded out, as Mr. Thackery knows, so he could not persecute him any further. I sent him to Mexico.

Mr. EMBRY. When was that?

Mr. BENTLEY. That was in 1904 or 1905.

Mr. EMBRY. Mr. Bentley, you say you sent him to Mexico, or were trying to send him to Mexico?

Mr. BENTLEY. Thackery had him in prison. Murdock had made a lease with a man named Pipher, a friend of mine, and Thackery wanted him to repudiate the lease and make a lease to Grimes on the

same land and Murdock would not do it. He said Pipher had paid him his money and done right by him, and the United States marshal came over to Shawnee and arrested Murdock and put him in prison, and my wife went on his bond and got him out, and of course he wanted to leave there. I helped that Indian to leave the United States and loaned him \$100, and he has since paid it back.

Mr. EMBRY. Mr. Thackery had been down there some time and was sent there to investigate charges made as to these seven allotments and he had been unable to see his witnesses at the time you were thrown in jail?

Mr. BENTLEY. I do not think he had made any effort to see any Indians except to wedge into their camp and get his followers in there. I know of no effort being made to take their testimony when they came into town; the Indians were around Muzquiz, in and out, and I never knew of any effort made to get their testimony.

Mr. EMBRY. The whole attitude of yourself and friends was to hinder him from examining the witnesses?

Mr. BENTLEY. Not in any way; no, sir. If Mr. Thackery sought to take the testimony of an Indian as to anything he knew or with any fair purpose, I was always willing to aid him as any officer of the Government, but when he and Mr. Dixon got Indians to write letters to my wife slandering me and making statements he knew were not true, I objected to that procedure, and I object to it now.

Mr. EMBRY. You knew that Mr. Thackery and Mr. Outcalt could not have seen these seven Indians or secured their evidence if you had been permitted to remain there in full charge of that camp, do you not?

Mr. BENTLEY. I know that Mr. Thackery and Mr. Outcalt had abundant opportunity; I know that Noten, one of the seven, was in Outcalt's room frequently; he had every opportunity to take his testimony. I know that Okemah and Wah-nah-ke-tha-hah and Jim Deer and all except one of the Indians were in Muzquiz frequently, and they had every opportunity to take their testimony.

Mr. EMBRY. Which one?

Mr. BENTLEY. The old woman, Tah-pah-the-a. She is a very old woman and probably may not have been to Muzquiz during the time they were there, but I do not know.

Mr. EMBRY. Is that the woman to which Manuel Mills referred to in his testimony?

Mr. BENTLEY. Yes, sir; that is the one he cried about.

Mr. EMBRY. And he said she cried about it, did he not?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. And she said she wanted to see Outcalt?

Mr. BENTLEY. Yes, sir. They all loved Outcalt.

Mr. EMBRY. And with respect to which Mills said Mr. Field said it would not do for her to see Outcalt; if she did, it would spoil their case here?

Mr. BENTLEY. I do not know; the old negro said so much and in such an incoherent way I do not recall it.

Mr. EMBRY. At the time Thackery and Outcalt went down there this amendment was pending here which finally became part of the act of June 21, 1906, and was being considered by the committee, was it not?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. You were afraid that if Thackery and Outcalt got any statements from those Indians that would be furnished to the Senate committee it might affect the fate of this bill, were you not?

Mr. BENTLEY. Not any truthful statements.

Mr. EMBRY. But you were afraid that anything they might get would affect its fate?

Mr. BENTLEY. No, sir; I was not afraid of anything of the kind, because the Indians were advised that the Senate wanted information upon that subject, and they themselves, in council, formulated a complete statement of the whole matter as to their understanding of it, and certified it to the Senate, and it went into the Congressional Record before the act was approved that they knew what they were doing; that they did not want any further investigation made; they had sent me to Washington to, if possible, secure this legislation for them. If it passed, it was satisfactory to them; it was what they wanted, and they stated in that communication that they did not want anything whatever to do with or neither would they sign anything for Mr. Thackery or Mr. Outcalt. You should bear in mind that at the time, or about that time, a very untruthful statement, setting out at some length that they had already been intimidated and compelled to sign deeds and other papers, was made and interpreted to the Indians that they wanted it to send to Washington; the Indians certified in that letter that the statements were not true. I think the Senate had the fullest information at the time Outcalt and Thackery were there as to the attitude of these seven Indians, and I refer you to page — of the Record, where you will find a full statement by the Indians made to Senator Teller, which he offered on the floor of the Senate.

Mr. EMBRY. That was what was referred to the other day as the letter to Senator Teller?

Mr. BENTLEY. Yes, sir. The Congressional Record containing that statement of the Indians was immediately forwarded to Mr. Thackery and Mr. Outcalt, and they had it before them and still they continued their investigation. I do not think anyone could apprehend that a clearer or better statement could have been gotten from the Indians.

Mr. EMBRY. That was the letter you stated that Mr. Gosten had written as clerk?

Mr. BENTLEY. Mr. Erney prepared it for them. I want to say that one of the signers, Jim Deer, appeared before the committee last year here and was interrogated fully as to that letter, and he explained to the committee that it was prepared at the instance of Okemah and the council of the Kickapoos.

Mr. EMBRY. Now with this abundance of showing which you were able to make, why did you object to Thackery, an officer of the Government, going at that time to that old woman personally as to the facts?

Mr. BENTLEY. I had no objection to Mr. Thackery or Mr. Outcalt taking that woman's statement, and would have been very glad to have brought her to Muzquiz and had them take her statement, but I did not want them and their followers in that camp, and the Indians did not want them there. It was the Indians who objected.

Mr. EMBRY. I want to offer a letter of Mr. Thackery to the Commissioner, and dated May 18, 1906, following that statement, in evidence. It is not marked as being contained in the record.

Mr. BENTLEY. I think it is already in the record.  
The paper referred to is as follows:

[Department of the Interior, United States Indian Service.]

U. S. INDIAN AGENCY,  
Shawnee, Okla., May 18, 1906.

*The honorable the Commissioner of Indian Affairs,  
Washington, D. C.*

SIR: In confirmation of my telegram of even date, which reads as follows:

"Commissioner Indian Affairs, Washington, D. C.:

"About twenty Kickapoo Indians were deceived into secretly leaving for Mexico yesterday, the object evidently being to make them nonresidents and get deeds for their allotments under supposed legislation by this Congress."

I have the honor to state that this matter was reported to us this morning by a delegation of Kickapoo Indians, who are very much aggrieved and discouraged over the matter.

From their report to me, it is learned that one Louis C. Grimes of Harrah, Okla., assisted by Cal Moore, also of Harrah, Okla., visited all the Indians residing in the locality of the towns of Harrah and McLoud, Okla., on the 16th and 17th insts. and advised them that there was to be a big payment in Mexico in the near future and that I had directed that these Indians go at once to be present at this payment. A great deal has been published in the papers of late with reference to the removal of the restrictions from the Kickapoo allotments of this agency, and also of the amendment to the Indian bill providing for payment of certain moneys to the Kickapoos. These Kickapoos were evidently led to believe that the Indian appropriation bill had passed and, as a consequence, the payment would be made in the near future.

There are still about sixty members of the Kickapoo tribe residing at this place and every effort is now being made to have them removed to Mexico, it being the general supposition that the restrictions will be removed from their allotments in the very near future.

This matter is referred to you for your information in connection with the proposed legislation with reference to these Kickapoos and with the further view of asking your advice as to any possible means of protecting these Indians.

I have about exhausted my persuasive resources in endeavoring to persuade these Indians not to desert their valuable allotments at this agency, as well as not to be deceived into schemes of their designing neighbors.

Very respectfully,

(Signed) FRANK A. THACKERY,  
Superintendent and Special Disbursing Agent.

Mr. EMBRY. Now, Mr. Bentley, do you think this letter of May 18, 1906, of Mr. Thackery to the Commissioner is the letter of a conspirator with L. C. Grimes and those people to defraud these Kickapoos?

Mr. BENTLEY. Of course the letter on its face would show to the contrary. I base my reasons for feeling that way, not that Thackery was the principal conspirator, but that Outcalt was the principal, and possibly at that time Mr. Thackery may not have shared the spirit of Outcalt; but I believe later that when he got to Mexico, as shown by the correspondence of Mr. Thackery at the Indian Office, he was determined that the Indians should not deed their land to me; that he was insisting that the Indians should be gotten out to Eagle Pass so as to have competition, and he knew that every person down there were with Grimes; they were all cooperating together in the enterprise, and he knew if I did not protect the Indians that Grimes would rob them. He knew there would be no competition, as he sets forth in his letter.

Mr. EMBRY. How do you know that he knew that all the Americans down there were cooperating together or were in a pool? How do you know he knew it at that time?

Mr. BENTLEY. Well, the circumstances would clearly show that they were working together. They were together, and they were backed by the same outfit. It has developed since that they were all together.

Mr. EMBRY. We are not talking about subsequent developments, but what Mr. Thackery knew at the time.

Mr. BENTLEY. Outcalt testified they were all one combination, all working through the Shawnee combination.

Mr. EMBRY. Did he say he so understood it at that time or that he subsequently learned that fact?

Mr. BENTLEY. Now I can not recall his exact language, but it is here in the record, when he was interrogated before the Committee. I think that whatever Mr. Outcalt may have known, that he and Mr. Thackery were together, and they probably both had the same information.

Mr. EMBRY. What objection have you to urge to Mr. Thackery's position that he wanted the Indians to go to Eagle Pass or anywhere up there where there would be competition to the sale of their lands?

Mr. BENTLEY. Because Mr. Thackery had been before the full Committee of the Senate and had heard it stated to the Committee that those Indians were putting their lands into a pool, so that they might be sold and they might acquire other lands in Mexico, and in view of that knowledge when Mr. Thackery went over there and insisted that they should be brought out to have competition to get money for the land, he knew at that time that he was acting contrary to the judgment of the full Indian Committee of the Senate of the United States, and his effort was to defeat it. He was acting in sympathy, no doubt, with the Indian Office in that, but he could not have been sincere.

Mr. EMBRY. You think, then, that the proper conduct under that law of an officer having a duty to perform would be to regard that it was intended that these Kickapoo Indians should put their land into a pool under your control, as you have stated?

Mr. BENTLEY. When it was the judgment of the full Committee of the Senate of the United States and of the Senators present, and if it was stated in Mr. Thackery's presence that the Indians should be permitted to do that and the Committee concurred in that, I think when he attempted to go contrary to the judgment of the Committee of the Senate he far exceeded any department authority or his duty as an officer of the Government.

Mr. EMBRY. Then you think it was culpable in any officer charged with duty in the Indian Office to go down there and prevent your securing deeds to lands from those Indians without compensation?

The CHAIRMAN. That is not a fair question, Mr. Embry.

Mr. EMBRY. Without compensation other than the small amount which you say you have paid them?

The CHAIRMAN. No; that is not a fair question. He stated it was to be held in trust.

Mr. EMBRY. Well, held in trust for the purpose for which you had acquired them?

The CHAIRMAN. But you attempt to make it appear that all they got was the small payment they received?

Mr. EMBRY. You think it was culpable for these officers to object to your going down and acquiring these lands as trustee?

Mr. BENTLEY. I think when any officer submits his judgment as being superior to that of the United States Senate or to the Congress of the United States, I think he did wrong. I think it was vicious to do that, and I think if he had been acting in good faith he would not have done it. I think that is the judgment of anybody who knows the circumstances and who will read these records.

Mr. EMBRY. Regardless of what opinion he may have had of your integrity or what personal knowledge Mr. Thackery may have had of your fitness to act in this capacity or what opinion he may have entertained of your purpose to defraud these Indians, still it was his duty to desist from any action that would prevent you from securing this land, as you have stated?

Mr. BENTLEY. And Mr. Thackery knew that a full Committee of the Senate had investigated the charges made by him and the Commissioner of Indian Affairs, Mr. Leupp. Mr. Thackery was present when I presented to the Senate Committee all the indorsement that the people of Oklahoma could give me or give anyone, and instead of offering any evidence of my being disreputable or asserting his position in the matter, he said he had nothing further to say, and if he had anything further to say there he would not have gone off down into Mexico and purposely and willfully thrown the Indians into the hands of people who he knew would rob them, which he did or tried to do.

Mr. EMBRY. As disclosed by Mr. Thackery's letters and telegrams, it appears that he deemed it advisable that these Indians, when it was certain that they would sell their lands and he could not prevent it, or it would not be prevented—that it was advisable that these Indians be where they could have competition for their land and they could get the best prices possible. Now that is the sum total of the conclusion to be gathered from his telegrams?

Mr. BENTLEY. There can be but one conclusion gathered, that rather than see the Indians do that which the Senate believed they would do and that might be done for them he preferred to defeat that. He did not want to see the Kickapoo Indians successfully colonized in Mexico, and to prevent them he wanted to run them over to Eagle Pass so as his friends could get their land. Mr. Thackery well knew that money in the hands of a Kickapoo Indian was of no value.

Mr. EMBRY. But you well knew that under your arrangement that they would be given power to waste those lands, do you not?

Mr. BENTLEY. I knew that unless the United States, through the Indian Office, had interfered with me that their purpose would be consummated, that the Indian would get dollar for dollar for his land in Mexican land, and every member of this committee and you yourself know it now; but for that interference Mr. Thackery's friends would not have ever secured a single deed, and there is evidence to that effect in the correspondence now in this record, and he did everything that could be done to keep the Indians from carrying out their purpose.

**Mr. EMBRY.** The only plan you have been able to conceive that the Indian was given power to sell his land for his protection is that his property was put absolutely under your control, is it?

**Mr. BENTLEY.** No, sir; it has never been the contention that the Indians' property should be put absolutely under my control.

**Mr. EMBRY.** What other proposition for his protection have you offered than that this property be put under your control or that of your agents?

**Mr. BENTLEY.** I have stated always, fully and freely, that when a title to this piece of country that the Indians had selected and ought to have been an ample support for them, and twice as many more had they increased, that the title should go to some solvent trust company and as much of their funds as would pay their taxes perpetually on the land should be invested in the bonds of the Republic of Mexico, so that they and their estate should be protected long after I am dead, and for all time.

**Mr. EMBRY.** To what solvent company have you conveyed any of this property?

**Mr. BENTLEY.** I have not been permitted to acquire any; the Indian Office has stood continuously in my way; I was not permitted to sell the first seven allotments. I am condemned because I did not sell them and they at all times have prevented me from selling them and I could not get in any money to acquire lands.

**Mr. EMBRY.** The disposition of the San Francisco ranch was in your power?

**Mr. BENTLEY.** In the face of what I have said could I have deeded it?

**Mr. EMBRY.** You certainly were a trustee and would have incurred no liability to hold it.

**Mr. BENTLEY.** A piece of land bought only for a temporary purpose until a permanent home could be secured—why would I deed that in trust while we were only holding it temporarily? Besides, you should take into account the agreement with these Indians, which was, if it was retained permanently for them, the title would go to Okemah, in trust for the other Indians. They have an agreement to that effect between themselves, and it was recited in the deed of trust which Okemah now holds. That is in the record already. I will say that before the passage of the act of June 21, 1906, perhaps in May, Mr. Bonnet certified to the chairman of this committee that his bank held a declaration of trust and the original title and stated the purport of them, and that communication to Senator Teller was offered on the floor of the Senate and went into the Congressional Record and was forwarded to Mr. Outcalt.

The **CHAIRMAN.** I think, perhaps, we did not have the original.

**Mr. BENTLEY.** But you had a synopsis of its contents.

**Mr. EMBRY.** Please turn to page — of the record.

**Mr. BENTLEY.** Yes, sir; I have it before me.

**Mr. EMBRY.** Please examine the letter from Mr. Thackery to the Commissioner, May 19, 1906, on pages — and — of the record.

**Mr. BENTLEY.** Taking up that letter of the 19th of May I wish to briefly refer to the letter of the 18th. In that letter Mr. Thackery speaks of getting proper protection for the Indians and seeing that



they get competition at Eagle Pass. Of course he meant by that that they would have the protection of Mr. Grimes and Mr. Benson; I am speaking of the feature of the letter which refers to giving the Indians protection.

Mr. EMBRY. That is the letter of May 18?

Mr. BENTLEY. Yes, sir. I want to cite the protection.

Mr. EMBRY. Is that the one where he reports that Grimes and these people were in a conspiracy to defraud these Indians?

Mr. BENTLEY. In connection with the letter of the 18th, the later letter of June 4 (page —) should be taken into account, in which he says to Mr. Outcalt:

The district attorney is very sure that Diaz will readily respond to this request when he understands the whole situation.

No person but you and I should know of this plan for the present. In the meantime you should get as many of the Indians up here to Eagle Pass as possible by working with those other white fellows at Muzquiz.

Grimes would be your best help in getting the Indians out. The district attorney suggested—

That is the fellow they wanted \$500 to bribe—

that they take the train at Sabinas rather on the quiet. That one man should be there to get them on the train and one up here, and that the others should remain at Muzquiz ignorant of the whole matter.

I do not think that the letter indicates that any great amount of protection was intended for the Indians. It should be observed, also, that Mr. Thackery suggests a special committee of the Indians being appointed, consisting of the very Indians that Mr. Grimes induced to come before the court and commit perjury and hold me in prison. It does not look as if he was trying to work for the best interests of the Indian.

Mr. EMBRY. This was June 4, 1906?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Seventeen days before the bill passed?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Mr. Outcalt and Mr. Thackery were down there to investigate your relation to these seven first allotments and you had stood them off?

Mr. BENTLEY. They were making no effort to investigate anything.

Mr. EMBRY. Well, whatever they did, if they did make any, they were not succeeding?

Mr. BENTLEY. They were not making any nor attempting to.

Mr. EMBRY. And your attitude and that of your friends was against them?

Mr. BENTLEY. No; it was not.

Mr. EMBRY. Here is Outcalt's letter—

Mr. BENTLEY. Mr. Outcalt in his letter does not say anything about getting any of those seven allotments in connection with which they wanted that investigation had.

Mr. EMBRY. Let us talk about this letter now on page — of the record of June 4. It seems, first, the record starts off with something presumably from Scothorn, as follows—I refer to page —, of the Appendix—

Mr. BENTLEY. You will observe, before entering into the consideration of that letter, Mr. Embry, that one of the land buyers was a messenger employed between Mr. Thackery and Mr. Outcalt.

**Mr. EMBRY.** Who was the messenger?

**Mr. BENTLEY.** Mr. Russell Johnson. They were communicating with each other there through the grafters. I will read:

**DEAR GEORGE:** Have not received any further instructions yet from Department. Russell Johnson did not send your message to Mr. Scothorn until he reached here and turned it over to me to send. I took the liberty of adding a little to it in order to have Scothorn better understand matters here and with my recommendations to Interior Department. The message I sent read as follows:

*" Scothorn, Guthrie, Okla.:*

*" Bentley interfering with our work every way possible. Arrested interpreter to-day. Claims to have been sent here by Government. Best Mexican attorneys urge that we visit Mexico City with small delegation of Indians and lay whole matter before Diaz, requesting that he appoint a commission to go to Muzquiz immediately and take up whole matter under Mexican laws. Thackery has made similar request to Interior Department. This would open up matters for prosecution in the United States."*

**Mr. EMBRY.** Now, you know that this letter of June 4, which you have cited here, referred to an effort to be made to induce the Mexican authorities or to secure the aid of the Mexican authorities to enable Outcalt and Thackery to investigate those seven allotments, do you not?

**Mr. BENTLEY.** To have a lunacy commission appointed for American citizens living in a foreign country.

**Mr. EMBRY.** I wish you to answer my question. That was what it was for—to conduct that investigation—was it not?

**Mr. BENTLEY.** It was not what it was for. There is not a line in that that indicates that that letter was for any purpose connected with an investigation—not a line.

**Mr. EMBRY.** Now, following further on:

On Sunday morning I had a conversation of several hours with Mexican district attorney for this part of northern Mexico. He requested that our conversation be strictly confidential; but after understanding whole situation at Muzquiz he said not to employ any attorney, but to keep whole matter strictly to ourselves and slip out a few (five, say) of most reliable Indians who have been residing at Muzquiz for some time and take them immediately to see Diaz, asking him to send a commission to take full control (for Mexican Government) of whole Kickapoo situation at Muzquiz.

**Mr. EMBRY.** Do you think that is what should have been done and you and Grimes be excluded?

**Mr. BENTLEY.** No, sir; I think that was an effort to defeat the intention of Congress in this matter. In fact, I not only think it, but I say it was such an effort.

**Mr. EMBRY** (proceeding further).

The district attorney is very sure that Diaz will readily respond to this request when he understands the whole situation.

No person but you and I should know of this plan for the present. In the meantime you should get as many of the Indians up here to Eagle Pass as possible by working with those other white fellows at Muzquiz.

Grimes would be your best help in getting the Indians out. The district attorney suggested "that they take the train at Sabinas rather on the quiet. That one man should be there to get them on the train and one up here and that the others should remain at Muzquiz ignorant of whole matter." All proper debt will be paid at Muzquiz, but it is the desire to have them properly investigated by this commission before they are paid. Be very careful what you do. I think that a good delegation to take to Mexico City would be Pah pe ah she (the man who drove us in from Indian camp), Ah ne she nen ne, Willie Murdock (now here), Chah ko sot, and either Ah ten y tuck or Ah kis kuck. We would have to

take either Mack Johnston or Thos. Alford as interpreter—preferably the latter. As stated before, it is of particular importance that no one know of this trip until our mission is accomplished, for it would just give them a chance to better fortify themselves.

Sincerely,

THACKERY, *Superintendent.*

Mr. EMBRY. Now his agreement was to send a delegation down to Mexico, was it?

Mr. BENTLEY. And appoint a commission to take charge of United States citizens in a foreign country.

Mr. EMBRY. I do not care to discuss the legal phase of it. It indicates that it was his purpose to send a commission down to Diaz?

Mr. BENTLEY. The indications were that it was his purpose to defeat the objects of Congress in this legislation.

Mr. EMBRY. I wish you would please answer my question as to the fact.

Mr. BENTLEY. I will if you ask it so that I can.

Mr. EMBRY. This letter states that a commission was appointed. It indicates that a desire that a commission be appointed to go down and see the President of the Mexican Republic, does it not?

Mr. BENTLEY. Yes, sir; and I say a commission of whom? The interpreter whom Mr. Grimes had brought down there and who came before this committee and testified that Grimes kept them drunk there was not a reputable Kickapoo Indian, not a representative of a Kickapoo, except the vilest of all of them—the renagados—people who express nothing as to the sentiment of the Kickapoo people.

Mr. EMBRY. He says here that Grimes would be the best help in getting these Indians out, does he not?

Mr. BENTLEY. Yes, sir; but what did he want them out for?

Mr. EMBRY. He wanted them out and to organize a delegation to go to Mexico City. Is not that apparent from his letter?

The CHAIRMAN. No; I should say not, Mr. Embry; he names his delegation down below.

Mr. EMBRY. He suggests, Senator, I think, who should be the delegation, but he had to get them out in order to take them down—was not that the plan, Mr. Bentley?

Mr. BENTLEY. No, sir; it should be understood—

The CHAIRMAN. I think the letter explains itself. I do not think it is necessary to go on with its examination.

Mr. EMBRY. I beg pardon of the Senators. I think the letter explains itself, as the Chairman suggests.

The CHAIRMAN. It explains itself, and what inference can be drawn from the letter I suppose the committee itself will draw. I do not suppose it would be incumbent upon you or Mr. Bentley to say what it means.

Mr. EMBRY. The reason I was doing that was because Mr. Bentley was frequently referring to this letter and putting on it very damaging inferences.

The CHAIRMAN. That does not govern. We will consider the letter.

Mr. BENTLEY. I wish to make one further suggestion as to this letter, and that is to cite the committee's attention especially to Pah-pe-ache, the first-named proposed delegate, and all the others except one were persons who did the bidding of Grimes at any time;

they were always at Grimes's disposal. Both interpreters were drunken and disreputable fellows in any event.

Mr. EMBRY. Mr. Bentley, I will ask you to turn to pages —, —, and — of the record, being Thackery's letter to the Commissioner of June 15, 1906, after the letter of June 4, 1906, to Outcalt.

Mr. BENTLEY. I have it before me.

Mr. EMBRY. I call your attention to the part of the letter which begins as follows:

The situation at Muzquiz is unchanged from what has heretofore been reported, excepting that I am informed that the other parties at Muzquiz (for the purpose of buying land) have for the time being secured the good will and assistance of the Mexican officials, thus turning Bentley down by installing into practice the methods originated and started by Mr. Bentley.

Just how these arrangements are made or what is done to bring them about is a question that Mr. Bentley and the other Oklahoma citizens, as well as the Mexican officials, should be required to answer. It is evident that no good will come to the Indians as the result of such arrangements. Now, that it seems assured that the restrictions are to be removed from these Indians' land in the United States, it seems important to me that our Government should explicitly relieve itself of any further responsibility as to any of these Indians and see to it that Mexico now understands that if she receives these Indians now she is not to expect nor ask the United States to take them back or care for them in the event that she (Mexico) later finds them undesirable.

Now, on the 15th of June, when Thackery observed that Grimes and his crowd had secured the favor of the Mexican authorities, he reports the facts to his superior officer promptly and fully, did he not?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. And it became a public record?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Now, you say he was a coconspirator with those people whom he reports upon?

Mr. BENTLEY. There can be but one inference from these paragraphs, and that was he found that his influence and that of Mr. Outcalt had been such that the authorities in protecting me had been broken down in protecting the Indians, and that they were to be robbed and impoverished, and the United States, by reason of having gotten them in that position, should not be required to do anything for them. The proposition was, "You have come over here with your officers and ruined them."

Mr. EMBRY. I am asking you about this phrase in his letter where he reports to his superior officer that these other Americans in Mexico had secured the favor of the Government and that no good could come from that to the Indians, as the testimony shows that no good did come.

Mr. BENTLEY. In reply to your question I call the attention of the committee to Mr. Outcalt's telegram of June 9th, in which he says: "Boys go to camp to-night. Authorities weakening." It seems that Mr. Outcalt had a pretty thorough knowledge of the weakening of the parties there.

Mr. EMBRY. That telegram was to whom?

Mr. BENTLEY. Mr. Thackery.

The CHAIRMAN. What is the date of that telegram?

Mr. BENTLEY. June 9th.

Mr. EMBRY. That telegram was one conveying intelligence to Mr. Thackery, who on the 15th reported that state of facts to his superior!

Mr. BENTLEY. Yes, sir; that the authorities were weakening.

Mr. EMBRY. Now, if Outcalt or Thackery were coconspirators with Grimes and those people, why should they communicate with each other the facts, and Thackery being at Eagle Pass, communicated those facts in substance to his superior officer here, and it became a record?

Mr. BENTLEY. I suppose as a matter of fact he was sent there by the Government to report the facts, and he did it perhaps so far as information came from Outcalt—he reported it to the Indian Office in an effort to protect themselves.

Mr. EMBRY. Now, Mr. Bentley, as a matter of fact, you understand that Outcalt sent a number of these telegrams or some communication or message, that is, when he could, to Thackery, at Eagle Pass, to have him communicate with Mr. Scothorn, did you not?

Mr. BENTLEY. Yes, sir; I think they cooperated fully; they used these police for messengers and for any other purpose; they were working together, apparently.

Mr. EMBRY. And those telegrams from Scothorn to Thackery merely announced the fact?

Mr. BENTLEY. You mean from Outcalt to Thackery?

Mr. EMBRY. Outcalt to Thackery merely announced the fact that the authorities were weakening and that those boys were going to camp that night.

Mr. BENTLEY. Yes, sir; the thing was opened up there.

Mr. EMBRY. Mr. Thackery received that information from Mr. Outcalt and reported to his department on the 15th that "the situation at Muzquiz is unchanged from what has heretofore been reported, excepting that I am informed that the other parties at Muzquiz (for the purpose of buying land) have for the time being secured the good will and assistance of the Mexican officials, thus turning Bentley down by installing into practice the methods originated and started by Mr. Bentley." And then it goes on later to state "it is evident that no good will come to the Indians as a result of such arrangements," and in another place he says that both you and these people and the Mexican officials should be required to answer.

Mr. BENTLEY. I think those two paragraphs were intended to notify the Indian Office in substance that their mission had been practically accomplished, because the biggest fool rascal on earth would have been slick enough to have sent such a telegram. They were in sympathy with my being corralled and the Indians defrauded.

Mr. EMBRY. The expression of every man who has not been in harmony with your purposes and wishes in this matter is to be deprived of any apparently fair construction, is it?

Mr. BENTLEY. Not necessarily, unless the construction is sustained by facts that warrant the construction.

Mr. EMBRY. On the 7th Outcalt sent him a telegram that the parties were weakening and, "boys go to camp to-night," and on the 15th Mr. Thackery communicates that to the Indian Office and says no good will come to the Indians from such a change.

Mr. BENTLEY. Practically saying, "Our purpose here is accomplished and the Indians would not get any lands in Mexico."

Mr. EMBRY. And you think that is the conduct of conspiracy, do you?

Mr. BENTLEY. Yes, sir; of that character—men who indict innocent men for criminal offenses and do it on perjured testimony only would resort to such things.

Mr. EMBRY. Against whom do you make that charge?

Mr. BENTLEY. I make it against Mr. Thackery.

Mr. EMBRY. On what occasion and when?

Mr. BENTLEY. I refer to the case where John Williams was indicted for something that he knew he had never done.

Mr. EMBRY. Is Sol Williams the man who made the homestead affidavit and perjured himself when he was under agreement with Perry Rodkey to give him part of that land?

Mr. BENTLEY. John Williams was the man I referred to.

Mr. EMBRY. I thought you said Sol Williams. You furnished the money for that transaction at the time Sol Williams perjured himself, did you not?

The CHAIRMAN. The evidence was just the other way, Mr. Embry. I do not think you ought to misquote the evidence. You asked him if the time he paid was when there was a final disposition of the matter.

Mr. EMBRY. I was referring to when he advanced the \$2,000 to Williams.

Mr. BENTLEY. I have said that I have no knowledge of any wrongdoing. If the committee please, in this connection I want to offer just a paragraph in the record as showing my reasons and why such information was conveyed by Mr. Thackery to the Indian Office by his letter of the 15th of June.

The CHAIRMAN. You may offer it, and if Mr. Embry chooses to go into it further we will let him do it.

Mr. BENTLEY. I offer this paragraph as showing why the Indian Office should have appreciated the information contained in the letter of Mr. Thackery of June 15, when he reported that the Oklahoma crowd who were opposed to me were in control over there, and as showing the animus of the Indian Office toward me and the Indians. I wish to read a paragraph of the letter of the Commissioner of Indian Affairs, dated December 14, 1905:

The position of the Mexican Kickapoos, who have recently gone there, will be the subject of another communication, but as the presence of some of them will be necessary to carry out successfully the views entertained here in the matter of the prosecution of Bentley and the litigation over the deeds he procured, and they can only be obtained with difficulty unless they be indicted and brought back on criminal charges, it is believed that instructions should be given prohibiting the payment of money for the sale of inherited Indian land or any moneys derived from any source whatever to any Indians of this tribe now in Mexico. This done, Bentley and others cannot obtain possession of the funds; and if the Indians return to Oklahoma their moneys can be held as inherited land moneys are cared for and their welfare looked after in a measure. These instructions should cover funds from every source from which they may be obtained.

I offer this paragraph of the Commissioner's letter as showing that it was the disposition of the Indian Office or of the Commissioner to starve the Indians out of Mexico; that he had so little feeling or respect for the Kickapoos that he even entertained the idea of indicting them, though innocent, on some criminal charge

that they might be returned to the United States and used as witnesses to prosecute me.

Mr. EMBRY. Upon what statement in this letter do you base this charge that the Commissioner contemplated the indictment of innocent Indians and to use them as witnesses?

Mr. BENTLEY. I base it on this:

Unless they be indicted and brought back on criminal charges.

Mr. EMBRY. Now, Mr. Bentley, let us read this sentence fairly:

The position of the Mexican Kickapoos, who have recently gone there, will be the subject of another communication, but as the presence of some of them will be necessary to carry out successfully the views entertained here in the matter of the prosecution of Bentley and the litigation over the deeds he procured, and they can only be obtained with difficulty unless they be indicted and brought back on criminal charges, it is believed that instructions should be given prohibiting the payment of money for the sale of inherited Indian land or any moneys derived from any source whatever to any Indians of this tribe now in Mexico. This done, Bentley and others can not obtain possession of the funds; and if the Indians return to Oklahoma their moneys can be held as inherited land moneys and cared for and their welfare looked after in a measure. These instructions should cover funds from every source from which they may be obtained.

Now, is not this the construction—that those Indians in Mexico could not be returned unless indictments were rendered against them, not suggesting that indictments be recovered, but that that would be the necessity; but to avoid that it is believed that instructions should be given prohibiting the payment of money to them so as to starve them out of Mexico, so that you would not detain them in Mexico and they would come home?

Mr. BENTLEY. Do you not think that was a very broad intimation to Outcult?

Mr. EMBRY. You had them indicted in Mexico, did you not?

Mr. BENTLEY. Some of those who were brought down there by Grimes were arrested for drunkenness.

Mr. EMBRY. If they received their money they would stay in Mexico?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. If their money is not paid them there there would be a disposition for them to return to Oklahoma?

Mr. BENTLEY. They did not return.

Mr. EMBRY. And on their return they would be here to be used as witnesses to prosecute you?

Mr. BENTLEY. That was the supposition of the Indian Office, but such treatment only encouraged them to stay in Mexico.

Mr. EMBRY. I am asking you about the construction; do you not infer that that was what the Commissioner meant there?

Mr. BENTLEY. Certainly; he wanted to starve them out if he could, but he left a very broad intimation to the Department of Justice that it would be better to indict them. I have been indicted three or four times myself on charges that were utterly false.

Mr. EMBRY. When were you indicted three or four times?

Mr. BENTLEY. I was indicted three times in Oklahoma—once for giving whisky to a white man, which I never did; I was indicted for stealing mules that were never stolen, and the practice on the part of the Department had been that if anybody gets in their way to get him out of the way, so they indict him. Innocent boys were

indicted down there and thrown in prison who were guilty of no offense, because it was thought they would go to Mexico. The indictment proposition as we view it, in view of the disposition and practice of the Department heretofore, where the indictment blackens a man's character, is a very trifling matter with them. The theory is, if he is in your way, indict him.

Mr. EMBRY. You have been misunderstood and abused by nearly all the Government officials, have you not?

Mr. BENTLEY. I have been indicted three times but never tried, although I have demanded trial always.

The CHAIRMAN. What became of the cases?

Mr. BENTLEY. They dismissed them. I was guilty of nothing and they did not dare to try me for the offenses which they alleged.

Mr. EMBRY. Is it a fact that your testimony was always so ample that it would not have been safe to try you?

Mr. BENTLEY. No offense was committed, therefore a conviction could not have been had. Mr. Thackery knew it, and Mr. Outcalt knew it. Mr. Outcalt was the commissioner who bound me over, and he said to me when he did so that there was nothing against me.

The CHAIRMAN. Were those cases dismissed by the Government?

Mr. BENTLEY. They were dismissed by Horace Speed, the district attorney. The United States district judge said in my presence that he did not believe any reputable person had testified, and he said I will demand that you either be tried or the indictment be dismissed. It was very expensive to the Indians. I had to bring witnesses from Mexico. I had to spend probably \$2,000 carrying witnesses backward and forward. It was a great waste of money. Of course, I may not be entitled to complaint, but I admit that I do. Before leaving the subject of that letter I desire to make just one other brief suggestion, with reference to the letter of the 15th of June, as showing the disposition of the Indian Office. The Commissioner in that letter also suggests the indictment of Johnny Mine. He wants him indicted.

The CHAIRMAN. Where is that referred to?

Mr. BENTLEY. It is on page — of the Appendix. Poor Johnny Mine! Not guilty of any offense on earth, but a case is to be manufactured against him. There were other Indians, too. The Commissioner says:

It may not be the wisest course to attempt to indict and prosecute Bentley and his confederates for conspiracy, in securing the passage of the act of Congress responsible for these transfers; but he is guilty of that crime as defined in article 15 of the Statutes of Oklahoma, 1893.

Then following down to the reference to Johnny Mine he says that Ida B. Bentley, Bonnet, Ives, and Johnny Mine, and other Indians in the case of the three deeds should be prosecuted for forgery. I refer to this to show the attitude of the Indian Office toward the Kickapoos.

Mr. EMBRY. Now, referring back to the letter which you have just read, with the extracts from it, you say that is a letter of the Commissioner's, stating that certain persons should be indicted?

Mr. BENTLEY. Yes, sir; Johnny Mine in particular.

Mr. EMBRY. You are sufficiently familiar with these matters to understand and know that in all probability that recommendation



was made upon reports and data that were then in the office and in the possession of the Commissioner?

Mr. BENTLEY. I think that was made without doubt on the ravings of Dixon.

Mr. EMBRY. The ravings of Dixon?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. If the Commissioner sent men out to make inquiries as to those facts and they reported a state of facts which showed that Johnny Mine should be indicted, was not the recommendation proper that he should be indicted or investigated?

Mr. BENTLEY. I think if they were sent out with instructions to get such evidence that the indictments would not have been warranted.

Mr. EMBRY. How do you know that anyone was sent out to get testimony to indict Johnny Mine or any of those people?

Mr. BENTLEY. I know that Mr. Dixon in a hundred instances in his reports controverts the facts, and his report is false almost from beginning to end; his inferences are false, and if the Commissioner was acting upon that he was acting upon false information.

Mr. EMBRY. Well, if he was acting upon false information he was acting upon that upon which he was advised, and if that information showed that Johnny Mine should be indicted there was no impropriety, was there, in the Commissioner recommending it?

Mr. BENTLEY. I think he should have considered the source of his information. There was no intimation of guilt as to the others.

Mr. EMBRY. Do you think he should have sent a man and asked whether he should be indicted or not?

The CHAIRMAN. That is an argument that you need not indulge in.

Mr. EMBRY. Mr. Bentley, were you an agent at one time for the fair ground addition at Shawnee, and did you try to sell that or agree to sell that for the Indians to James Aydelotte at one time?

Mr. BENTLEY. Yes, sir; that was land that was under my jurisdiction as Indian agent.

Mr. EMBRY. Did you not, after you ceased to be Indian agent, made a contract to sell it to Aydelotte?

Mr. BENTLEY. I think I made a contract with Mr. Aydelotte to secure, if possible, the title to the fair-ground property, and my recollection now is that an effort was made to get Congress to patent the land to the rightful heir. That is my recollection.

Mr. EMBRY. What were you to sell that to Mr. Aydelotte for?

Mr. BENTLEY. I do not recollect what the contract provided, but I have the papers that were drawn and presented to Congress, and an effort was made to have that land patented to the proper person. Senator Quay presented it in the Senate. I think.

Mr. EMBRY. Referring again to your note to Mary Penetho, about which there has been some testimony, is that the original? [Exhibiting paper] which will be found on page — of the Appendix.

Mr. BENTLEY. Yes, sir; that is the original note.

Mr. EMBRY. Please look at it and see if that note is not due and payable January 1, 1904?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Mr. Bentley, here is a petition, or what purports to be a petition, in a suit against you on that note. It appears to have

been filed in the district court at Pottawotamie County on August 1, 1905?

Mr. BENTLEY. I expect this is correct. I have never seen the petition. Have you the dismissal also with the papers?

Mr. EMBRY. Yes, what purports to be a copy of it, and what purports to be a copy of your settlement note, the notes you gave her when she dismissed the suit.

Mr. BENTLEY. It is true that I gave her nine notes.

The CHAIRMAN. Why should they not have been filed?

Mr. EMBRY. We have not copies. They were not filed.

Mr. BENTLEY. Mr. Embry, does that show the notes were filed in court?

Mr. EMBRY. No; I do not think so. The question I want to ask is this: You said yesterday that Mr. Thackery was in the habit of inciting Indians to sue you?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. This note was past due more than a year before you were sued, was it not?

Mr. BENTLEY. I have no idea. It did not cut any figure as to whether it was due or not. The woman did not want her money and did not wish to sue me.

Mr. EMBRY. And this man, J. W. Woods, who brought this suit, is as reputable a lawyer as there is in that country, is he not?

Mr. BENTLEY. He is a very reputable man, and I do not think he would have brought suit had he known the facts. I have no complaint to make against Mr. Wood. I do wish to say in the record that the woman did not want her money: she did not know what she had done, and when she learned that she had sued me she was very anxious to withdraw the suit, and I continued to pay her and now owe her \$1,990.

Mr. EMBRY. I wish you would examine these papers that I show you and state in whose handwriting those Indian names are—the English part, not the Spanish.

Mr. BENTLEY. I think that is in my handwriting; it resembles it very much.

Mr. EMBRY. Please examine it all and say if it is.

Mr. BENTLEY. The proper name of the Indian appears at the top of the page in each instance.

Mr. EMBRY. Is it in your handwriting?

Mr. BENTLEY. At the top of the page; yes, sir. It seems to be in my handwriting.

Mr. EMBRY. They purport to be Spanish bills or accounts against these Indians, sent by Guerra & Son, of Muzquiz, for collection, do they not?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. And at their instance you made these entries of the English part of the name?

Mr. BENTLEY. I wrote it in English: yes, sir.

Mr. EMBRY. Guerra & Son were merchants who sold the Indians goods, were they not?

Mr. BENTLEY. The firm is Guerra & Bro.

Mr. EMBRY. Well, they sold them goods, did they not?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. They sold them on your orders frequently, did they not?

Mr. BENTLEY. Yes, sir; where I said the Indian was all right they credited him.

Mr. EMBRY. And, of course, you aided them in the collection?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Please run over that bill and state the amounts of those accounts in each case.

Mr. BENTLEY. I would rather you would compute it; I am not an expert in computation.

Mr. EMBRY. Please read it as it is; I do not ask you to add it together. With regard to this Indian Wah pe che qua, in that statement of his account, how much is due?

Mr. BENTLEY. This shows on May 20, 1906, that he owed \$244.15 Mexican money.

Mr. EMBRY. Now, as to the next Indian.

Mr. BENTLEY. The next showed that Okema owed at that place in 1906, including June 17, \$593.96.

Mr. EMBRY. Now, as to the next Indian.

Mr. BENTLEY. The next is the account of Noten.

Mr. EMBRY. What does that show?

Mr. BENTLEY. That shows an indebtedness of \$180.44.

Senator CURTIS. That is Mexican?

Mr. BENTLEY. Yes, sir; it is all Mexican money. The next is Ah-kis-kuck, showing an indebtedness of \$510.12. The next is the indebtedness of Pequá in the sum of \$188.24. The next is Wah-pe-seose, showing an indebtedness or balance rather, it seems, of \$7.60. The next is Wa-theck-cona, showing an indebtedness of \$124.80. The next is Johnny Mine; it seems to have been charged to my account—\$7.25. Some of the entries seem to have been torn out of this list.

Mr. EMBRY. The debts of these Indians were paid through the Border National Bank mostly, were they not?

Mr. BENTLEY. Sometimes they were; yes, sir.

Mr. EMBRY. How do you explain that in Mr. Bonnet's testimony as to the Indians, accounts that the items referred to pertain principally to the deposit of Treasury warrants in November, 1906, for their surplus land money under the act of June 21, 1906?

Mr. BENTLEY. I think that is accounted for from the fact that the Indians contemplated moving from Muzquiz to another location in Mexico, and at the time that payment was made, in order to keep the record of what they left I let the bank do my bookkeeping, and I suggested to the Indians that each and every Indian who received payment open an account and in that way I would have a double check on what they did with their funds, and when the payment was over the bank rendered me a list showing the deposit so that I would have a proper statement. That of course I checked up with my receipt books.

Mr. EMBRY. Did the Indians keep any accounts in their own names in that bank before that time?

Mr. BENTLEY. I am not certain; I think some did. I think Homer Anderson, perhaps, did, although I do not know.

Mr. EMBRY. There were very few, were there not?

Mr. BENTLEY. It was not the custom to keep accounts.

Mr. EMBRY. What was the custom and manner of holding their money when they received it from the Government; what was ever done with that?

Mr. BENTLEY. The Indian usually came there and presented his check and got the money in an ordinary transaction. This was out of the ordinary.

Mr. EMBRY. Is it not a fact that the people to whom you gave orders to sell the Indians goods were about the only people who would credit those people?

Mr. BENTLEY. No, sir; they would get credit elsewhere, but the merchant where an Indian bought goods on my guarantee that he would get his pay was much more consistent in his prices; he felt that he was trading on a certainty and the Indians were treated better than where they secured credit on their own account.

Mr. EMBRY. The fact that you stood sponsor for the Indians put it in your power to direct them to Guerra & Brother or wherever you wanted them to, did it not?

Mr. BENTLEY. Not exactly. The disposition of the Indians always has been that if they owed money anywhere they were willing to pay the debt.

Mr. EMBRY. You did stand sponsor for these debts to Guerra & Brother, did you not, and give orders?

Mr. BENTLEY. I may have given orders for some of them; I think Ah-kis-kuck and some of those Indians I said were all right, and I will see you paid. I may have given orders for some.

Mr. EMBRY. And as to these bills you had occasion to aid Mr. Guerra by indicating in your own handwriting the names?

Mr. BENTLEY. My recollection is that they did not spell their names like we had and to make the identification of the account more certain I deciphered the name and made it correct.

Mr. EMBRY. Is it not a fact that when you got these Indians to Mexico you still exercised some influence over them as to their traders' accounts?

Mr. BENTLEY. Not without their consent.

Mr. EMBRY. You knew they would consent?

Mr. BENTLEY. My control over the Indians comes from the fact that I never attempted to force them to do anything. You can not force an Indian to do anything and retain his good will. They did what I advised when it suited them.

Mr. EMBRY. You still have relations to their store accounts and collections—you made collections from these Indians after they went to Mexico as you did in Oklahoma, did you not?

Mr. BENTLEY. Well, not except in the manner heretofore described in the record.

Mr. EMBRY. Is it not a fact that those debts were frequently paid and money frequently drawn from the Government at Eagle Pass by one Indian by virtue of a power of attorney which he had of another Indian?

Mr. BENTLEY. Not often; I do not think there were very many instances of that kind. I do not recollect but one.

Mr. EMBRY. Please explain that one.

Mr. BENTLEY. I recall when an Indian would come to Eagle Pass and had no funds and wanted to equip himself for perhaps a long

hunting trip he would borrow \$50, or sometimes \$100, to outfit with at the bank, if he accepted or received the money he left a power of attorney so that the money when it came to the bank could be made available and stop the interest on his note, and of course the balance would be to his credit. Often he asked for the full amount of what his account would be.

Mr. EMBRY. This general fund that you referred to in your general account as being four thousand and some additional dollars——

Mr. BENTLEY. Yes; \$4,040.93.

Mr. EMBRY. What was that money used for?

Mr. BENTLEY. That was used for the benefit of all the Kickapoos.

Mr. EMBRY. You remember when these Treasury warrants were cashed at Eagle Pass, do you?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. That Mr. Bonnet in his testimony showed in each particular what was paid to the Indian and a certain amount paid to you?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Did not the amounts paid to you on that collection approximate the amounts which are in this general fund, as shown in your statement here?

Mr. BENTLEY. That is the exact amount.

Mr. EMBRY. Then that general fund, as shown in your fiscal account here, or your testimony, is the product of these amounts set off to you and paid to you out of the surplus land moneys, as shown by the testimony of Mr. Bonnet at Eagle Pass?

Mr. BENTLEY. Well, as shown by the record of the bank, that was the way to keep account of it.

Mr. EMBRY. Now, did you expend that money for the Indians before or after its receipt?

Mr. BENTLEY. I think that that amount and some more has been expended in their general interest since the receipt of it.

Mr. EMBRY. What I ask is, was that to pay you for services or commissions or anything?

Mr. BENTLEY. No, sir; not a cent of it, that was to pay for general expenses; as, for instance, any depositions that were taken at Mon-clova were paid out of that fund. I paid Judge Wood, of Shawnee, \$100.

Mr. EMBRY. Are you prepared to state now approximately what is in that fund?

Mr. BENTLEY. The total amount?

Mr. EMBRY. Yes.

Mr. BENTLEY. The fund has been exhausted; it has all been paid out; it was deposited to the general account in the bank, and it has all been checked out.

Mr. EMBRY. Who was the owner of the fair ground land, I mean the allottee?

Mr. BENTLEY. The original allottee was Pah-pe-shieck.

Mr. EMBRY. Who were the heirs who made the deed?

Mr. BENTLEY. Well, there are numerous heirs; he had three wives and three sets of children.

Mr. EMBRY. Was We-ah-che-kah one?

Mr. BENTLEY. She was one of the wives, or one of the widows, rather, and so held to be by the court.

Mr. EMBRY. In your letter of October 25, 1903, to Joe Clark, I notice this language:

Wire me in case the fair-ground money comes. I encourage We-ah-che-kah to come south. She holds the key to the situation. They can not pay it out until she comes, and she and Panetho will loan me \$10,000 if it comes in time, and that will let us in the deal we want. Don't be afraid to use the wire to keep me advised if the money comes.

Mr. BENTLEY. That was correct; they did that, and I received more than that; they loaned me \$13,000, I think, instead of \$10,000; they did not want as much money as I supposed they did.

Mr. EMBRY. You had her come south; you say she held the key to the fair ground situation?

Mr. BENTLEY. She at that time lived in Mexico. Her husband and some of her family were down there. She was temporarily in Shawnee. I perhaps had her come south earlier than I would have had because I did not want the money paid to the Indians in my absence. Had this large sum of money, some \$15,000, been paid them they would have squandered it I expect, and I wanted to be there when it was paid.

Mr. EMBRY. But instead of that, the key to the situation until it was paid, and you borrowed it?

Mr. BENTLEY. Yes, sir; that is, they voluntarily loaned it to me, and I returned most of that. I always tried to retain as much money as I could to keep them from squandering it. I think I can safely say that in this instance that those are the only two Kickapoo Indians who have a dollar of individual money, or very much.

Mr. EMBRY. Is it not a fact that about all the Kickapoos who have money are those to whom Willard Johnston is guardian? I am not referring to a white guardian, of course.

Mr. BENTLEY. Johnston has twenty or thirty thousand dollars guardian money. It seems that the Government raised a serious question whether it is in good hands or not.

Mr. EMBRY. They did question it. He is not paying enough interest on it, but it is not lost. I think that is all I care to ask. You have not as yet filed your statement as to finances.

Mr. BENTLEY. I have the last account here before me of money paid to the Kickapoos.

Mr. EMBRY. Have you a statement of all your fiscal accounts?

Mr. BENTLEY. I think it is approximately correct.

Mr. EMBRY. We will examine that at recess.

At 12 o'clock m. the subcommittee took a recess until 3 o'clock p. m.

#### AFTER RECESS.

The committee reassembled at 3 o'clock p. m.

Statement by Mr. M. J. BENTLEY resumed.

By Mr. EMBRY. Mr. Bentley, I believe in your testimony you referred to a communication from the report of the Commissioner, Mr. Leupp, to the New York Post?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Referring to some report?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. That was referring to the Brosius report?

Mr. BENTLEY. The Brosius charges. That was a report, I think, to the Secretary of the Interior.

Mr. EMBRY. When was this communication to the New York Post?

Mr. BENTLEY. It was under date—I think in the month of September, 1898. That is my recollection. I have a copy of the communication.

Mr. EMBRY. Have you a copy with you?

Mr. BENTLEY. It is in the record here somewhere.

Mr. EMBRY. Can you indicate the page on which it is?

Mr. BENTLEY. I said he was the reporter, at that time, for the New York Evening Post.

Mr. EMBRY. I misunderstood you, what was your statement?

Mr. BENTLEY. I quoted Mr. Leupp's letter presenting the charges of Brosius against me to the Secretary of the Interior.

Mr. EMBRY. You did not mean to be understood as saying that he, as reporter, had sent any matter to the New York Post reflecting on you?

Mr. BENTLEY. No, sir. Here is what I said, on page — of the committee print:

WASHINGTON BUREAU, NEW YORK EVENING POST,  
WYATT BUILDING.  
September 10, 1898.

DEAR SIR: I hand you, inclosed, a petition supported by affidavits, which I received this morning from Mr. S. M. Brosius, agent of the Indian Rights Association, who was prevented by urgent business from returning to Washington to present them in person.

As an ex-representative of the Indian Rights Association I feel a strong interest in Mr. Brosius's work, and join with him in the hope that the strongest man you can spare in the corps of inspectors will be detailed to make this investigation.

Sincerely, yours,

FRANCIS E. LEUPP.

Hon. THOS. RYAN,  
*Assistant Secretary of the Interior.*

Mr. EMBRY. That is the matter to which you referred?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. There is nothing in connection with that that evinced any feeling of the present Commissioner against you, is there?

Mr. BENTLEY. I think so. Probably his impression of me was formed some thirteen years ago, or in 1898, through his connection with Brosius and his charges, I suppose.

Mr. EMBRY. In this particular he did no more than was properly his duty to do at that time, if it had been left for his transmission?

Mr. BENTLEY. I do not think he had any duty to perform in the matter. He was not an official of the Government or of the Indian Rights Association at the time. I think it was because of some over-zealousness on his part that he presented it.

Mr. EMBRY. In what other particular has the Commissioner shown a disposition to hound you or deal with you unjustly or persecute you?

Mr. BENTLEY. To answer that I think it would be necessary to review each and every act since he has known me or I have known him.

Mr. EMBRY. I believe in your testimony you referred to some conversation between you and the present Commissioner at or about the time of his appointment to that office?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Where did that occur and when?

Mr. BENTLEY. I think in his office here in Washington. I think in the Wyatt Building. It was in a building up there near the Treasury Department—some newspaper office.

Mr. EMBRY. That was before he assumed the duties of his present office?

Mr. BENTLEY. I think it was after he was appointed, but before he qualified.

Mr. EMBRY. And that conversation was substantially as you have related it in your former testimony?

Mr. BENTLEY. I have related it as near as I could as it occurred at the time.

Mr. EMBRY. There is one matter I want to refer to on page — of the record. I guess it is in the Appendix.

Mr. BENTLEY. I have it before me now, page —.

Mr. EMBRY. What appears to be your answer 46 to an interrogatory asking that a proceeding be had in Mexico, in which you state:

46. To the forty-sixth. That of lands contracted or under option he has 31,000 acres, undertaking to pay \$9,000 American money, and another of 100 sitios for \$140,000 American money, which lands are situated in the northern part of this State; that he is in condition to pay the value of either one of these properties cash down.

When was that answer given to that interrogatory?

Mr. BENTLEY. That must have been in July, 1904—no; 1905, I think.

Mr. EMBRY. Were you in a situation at that time to pay \$140,000 cash down?

Mr. BENTLEY. No, sir; I do not think I made the statement in that way. I think in transcribing it there a little mistake has been made. I did say at that time that I could make the necessary cash payments securing the land. If a satisfactory agreement could be reached I expected to option the land.

Mr. EMBRY. Did you say that in view of any certain amount which you could arrange to pay? Did you have in mind, at the time you said you could arrange the necessary cash payments, the amount that would be necessary for you to arrange for and how much was that amount could you arrange for?

Mr. BENTLEY. It was this way. This man Naranjo had 270 sitios of land, and I was engaging with him to sell out a hundred. He was not particular about cash so that some payment could be made so that he would be satisfied it would carry the trade through. He would allow a reasonable interest. The way he indicated to me it was well within our means to have made the trade.

Mr. EMBRY. At that time were you situated so as to advance the money cash, or was there any showing as to the amount necessary?

Mr. BENTLEY. My recollection is we had \$10,000 or \$15,000 available money. I believe, too, in the Naranjo proposition, there was some indebtedness of his that was to be secured, and a satisfactory arrangement had to be made with his creditors as to the interest payments on that.



Mr. EMBRY. Turn to page — of the Appendix, at the bottom of the page, where Senator Sutherland asked this question:

You have already bought \$21,000 worth of land in Mexico?

Mr. BENTLEY. Yes.

Senator SUTHERLAND. In whose name is that?

Mr. BENTLEY. In the name of Okemah.

Mr. BENTLEY. That is correct. It was.

Mr. EMBRY. As a matter of fact, the title was in your name, was it not?

Mr. BENTLEY. No, sir; the title in equity then vested in Okemah.

Mr. EMBRY. I am talking about the legal title.

Mr. BENTLEY. I am talking about the title, too. Okemah held a contract from me wherein I disclaimed any title and declared the title to be in him.

Mr. EMBRY. Senator Teller asked this question: "But he holds it for the tribe, does he?" To which you answer: "He holds it for all the others by their request."

Mr. BENTLEY. The other six.

Mr. EMBRY. Now, as a lawyer, would you not understand it was in the name of Okemah; that the title deeds would run to Okemah?

Mr. BENTLEY. I think it would be understood just exactly as I intended it to be—that the land was in fact and in deed the land of Okemah in trust; yes, sir. I have the full record here that I will lay before the committee if they desire to pass on it.

Mr. EMBRY. I am asking you about this answer to this Senatorial inquiry, in whose name this land was, and you answer that it was in the name of Okemah, and he held it for the others?

Mr. BENTLEY. Yes, sir; that is right.

Mr. EMBRY. Now, you mean he did not have the title to it, except the equitable title?

Mr. BENTLEY. I mean to say he had all the title there was, and he has it now.

Mr. EMBRY. That the legal title, the conveyance, was to you, and is in you yet?

Mr. BENTLEY. It had not been deeded, but a contract in lieu of a deed, or disclaimer, was then in the hands of Okemah, which explained itself and which I have already offered in this record. My answer was in accordance with the facts as they then existed.

Mr. EMBRY. State the conversation which occurred in the office of the present Commissioner after his appointment, and before he assumed his office, in the reporter's room of the present Commissioner after his appointment and before his assumption of his present office.

Mr. BENTLEY. He was very arrogant and insulting to me, and I tried to explain to him that my object in calling upon him was to try and make him acquainted with my purpose towards the Kickapoo Indians and their condition in Mexico. He said, "Well, if you have anything to submit to me, you can put it in writing, but you will have to swear to it before I will give it the consideration to read it." That was his language as I recall it.

Mr. EMBRY. Please turn to page —. There is a question I think I want to ask you there. It is about the middle of the page. In

answer to a question by Senator McCumber, I observe that you said, "Noten's land sold for \$3,050 in cash, and he has been paid in cash about \$1,000, perhaps a little more."

Mr. BENTLEY. Yes, sir; that is correct.

Mr. EMBRY. Please turn to the account you have for moneys received.

Mr. BENTLEY. The commissions and the net amount received by me for Noten's land was \$2,900. That is correct.

Mr. EMBRY. The difference results from the commission?

Mr. BENTLEY. From the commission and expenses; yes, sir.

Mr. EMBRY. To whom were the expenses paid?

Mr. BENTLEY. I think Mr. Everest was paid \$100. That is my recollection.

Mr. EMBRY. Is Mr. Everest in the real estate business, and does he receive real estate commissions?

Mr. BENTLEY. He had done some work in some connection, I have forgotten just what now. There was a fee, a commission, I think, and there were other expenses in connection with the sale that amounted to \$150. I recall now that the man who bought the land afterwards, Judge Maxey, when the Indian agent went into the papers and claimed the title was not good, Judge Maxey owed me \$100 and would not pay it and never did pay it.

The CHAIRMAN. Who?

Mr. BENTLEY. Mr. Maxey was the man who bought the land. Afterwards when I went to make a settlement with him he said the title was bad, and I charged this \$100 up to this transaction. That is the way, I believe, this hundred dollars came in.

Mr. EMBRY. I notice there these people stated they paid \$22,500 in cash?

Mr. BENTLEY. They did not pay it to Ives. They placed this land with Canady & Wheeler to push the sale. They were members of that syndicate. At that price it was \$32,000, and any difference between \$32,000 and \$39,000, whatever it is, went, of course, to Pachen & Canady, or Canady & Wheeler. I suppose that is the way they acquired their interest in the land after its purchase. That was the usual procedure down there in connection with the buying of land.

Mr. EMBRY. We desire to offer this in the record as evidence.

SHAWNEE TOWNSITE COMPANY,

August 31, 1905.

Parties interested in the purchase of the allotments to Okemah and his wife, Tithequa, being the SE.  $\frac{1}{4}$  of sec. 24, T. 10, R. 3 E., are M. F. Eggerman, O. H. Slover, J. T. Cruse, S. A. B. Hart, A. P. Slover, George Patchin, and D. N. Kennedy.

Purchased from W. W. Ives, amount paid was \$22,500 in cash and our notes for \$16,500, secured by mortgage on above-named one-fourth section of land. Time of purchase April 1, 1905.

The allotment to Okemah being the east one-half of above-named section, has been platted into town lots and about 65 or 70 lots have been sold and six of the purchasers have built themselves little homes.

As far as Mr. Bentley is concerned in this deal, wish to say that we do not know Bentley, and we are innocent purchasers in this land.

SHAWNEE TOWNSITE COMPANY,

M. F. EGGERMAN, President.

A. P. SLOVER, Secretary.

Attest:

SHAWNEE, OKLA., April 14, 1905.

Mr. EMBRY. Now, did you state the amount of moneys you had borrowed from time to time from the Indians?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Have you got the schedule showing it?

Mr. BENTLEY. Yes, sir; it is here somewhere in Thackery's Exhibit No. 168, Appendix, I believe.

Mr. EMBRY. Then the five sheets of typewritten matter submitted here and marked as an exhibit designed to follow Thackery Exhibit A in the record shows all the money that you ever borrowed from the Kickapoo Indians?

Mr. BENTLEY. Yes, sir; I think that is correct—that is, it shows all money borrowed. There may have been some rows at times when Indians came and put money in my pocket. Money so left with me was returned to them. No money was retained at any time except for a day or two, which was in some settlement and which could not be called money that I held in trust for them or a loan.

Mr. EMBRY. Those items appear in the first column of the exhibit you submitted?

Mr. BENTLEY. No, sir; the total amount paid by the Indian Office at Shawnee.

Mr. EMBRY. That appears in the first column?

Mr. BENTLEY. No, sir; the total amount paid to Indians, as shown by Thackery Exhibit A, follows clear through in the first column of my statement.

Mr. EMBRY. Then the second column in your statement is what?

Mr. BENTLEY. The amount of money received from Indians by me.

Mr. EMBRY. The third column in your statement is what?

Mr. BENTLEY. The amount of money returned to Indians by me.

Mr. EMBRY. The last column, which, I think, is the fourth column?

Mr. BENTLEY. The fourth column.

Mr. EMBRY. Shows what?

Mr. BENTLEY. The amount of money contributed by Indians to the general fund.

Mr. EMBRY. And that statement is correct?

Mr. BENTLEY. Substantially correct. It might vary a few dollars, but it is substantially correct to the best of my knowledge of the affair.

Mr. EMBRY. Do you offer that fiscal statement of yours now in evidence?

Mr. BENTLEY. It has already been offered in the record.

Mr. EMBRY. The items are now as you want them to go in evidence?

Mr. BENTLEY. Yes, sir; they are approximately correct; showing that I have expended \$45,260 for the Kickapoo Indians, and that I have received from all sources \$37,209.91, leaving a balance due me of \$8,060.09.

Mr. EMBRY. I see there are no dates showing the times you received this money, nor the times when you expended it?

Mr. BENTLEY. That is intended to be a general statement, or an abstract. I could not probably give all the dates of expenditures.

It would require a volume, but for convenience that is an abstract of the account. I tried to present it in a condensed form.

Mr. EMBRY. I see an item here showing a receipt of money, "Border National Bank, \$6,000?"

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. When was that borrowed?

Mr. BENTLEY. Is that due the Border National Bank, do you mean, or received?

Mr. EMBRY. It appears to be money that you have received on account of these Indians.

Mr. BENTLEY. My account at the Border National Bank has been ranging from a balance in my favor of \$1,500 or \$20,000 to being overdrawn to the extent of \$7,000 or \$8,000 in the last few years, and I think the general overdraft there or the amount secured by my notes has amounted pretty regularly to about \$6,000 during the past year and at this time.

Mr. EMBRY. Do you consider that money received by you for the benefit of the Indians?

Mr. BENTLEY. Received by me for the benefit of the Indians and expended for their benefit.

Mr. EMBRY. Have you received from the Border National Bank any greater sum than this \$6,000 for the benefit of the Indians?

Mr. BENTLEY. It is about \$6,000 I now owe them for money I have drawn and used for the Indians. I can not tell you what the exact amount is, but it is approximately \$6,000.

Mr. EMBRY. You do not seem to understand me. I am not asking you how much you now owe the Border National Bank on account of any moneys you may have received for the benefit of the Indians, but how much money have you received from the Border National Bank for the benefit of these Indians which you hold in trust for these Indians?

The CHAIRMAN. You mean more properly through the bank. The bank has not contributed anything to the Indians of course. I think you should ask it the other way.

Mr. EMBRY. "Border National Bank, \$6,000" indicates money you borrowed and expended for the Indians?

Mr. BENTLEY. Yes, sir; through that bank.

Mr. EMBRY. How much money during the time of your trusteeship have you borrowed from the Border National Bank which has become trust funds for these Indians?

Mr. BENTLEY. I never borrowed any of the trust fund. I borrowed money for the benefit of the Indians and expended it. I do not know that it can be designated as a trust fund. I paid the Indians' obligations and took care of their interest with the money.

Mr. EMBRY. Have you kept any personal account distinguishing your personal business from that of the Indian business?

Mr. BENTLEY. I have never had any personal business in Mexico. I have no business in Texas or Mexico other than Indian business?

Mr. EMBRY. Now, I notice another item, "Mortgage on land \$8,000." Does that item mean you have borrowed on land on which you placed mortgages in the sum of \$8,000?

Mr. BENTLEY. Yes, sir. That item covered \$4,000 borrowed by Ives and secured on Indian land and forwarded to me, and it is in-

tended to cover about \$4,000 or \$4,000 and some interest due Everest on which he was secured with Indian land.

Mr. EMBRY. Now, there are no other mortgages, I understand, from which you have received money, except the Everest mortgage and those mortgages made by Ives to a Mr. Eagan?

Mr. BENTLEY. I do not think of any other mortgage that is secured by land.

Mr. EMBRY. Here is an item, "Various Indians, general fund, \$4,059.91." That is the matter we talked about this morning as coming from the proceeds of that surplus land money?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. I see an item here, "Paid to 42 Indians on deeds \$13,000?"

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Does that include all the deeds which you bought?

Mr. BENTLEY. Yes, sir; I think so.

Mr. EMBRY. Does that include the expenditures which you paid on account of the purchase of the seven allotments by Ives and Mr. Bentley?

Mr. BENTLEY. That includes all the money that I have paid to Indians as an advance on account of their land, not, however, including the money invested for them in land. That is a direct payment.

Mr. EMBRY. This is what you have paid. You have advanced to Indians on account of their executing either to yourself or Mr. Ives or Mrs. Bentley, deeds for their land?

Mr. BENTLEY. Yes, sir; that is the sum of money advanced, and at different times, of course, afterwards. This account has been running for several years, you know.

Mr. EMBRY. And it also includes the money you may have advanced to Indians on deeds, that may have been deeded to Mr. Bonnet or any other person under your direction?

Mr. BENTLEY. Yes, sir; I have the account of the Indians here, showing when it was paid and in what sums it was paid.

Mr. EMBRY. Item "San Francisco ranch, \$10,750."

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. "Attorneys' fees and expenses of title, \$200?"

Mr. BENTLEY. This will indicate pretty clearly the sum that I paid.

Mr. EMBRY. "Improvements, \$400?"

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Those were improvements on the San Francisco ranch?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. "Taxes \$550 on the San Francisco ranch?"

Mr. BENTLEY. Yes, sir; that is approximately correct.

Mr. EMBRY. "Farmer and expenses, \$340." That was on account of the farmer and his expenses on the San Francisco ranch?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. "Seed and implements, \$125?"

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. "Survey, etc., \$50?"

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. That was on the same ranch?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Inspection of lands in Durango, and Coahuila?

Mr. BENTLEY. Sinaloa, Chechusha, etc.

Mr. EMBRY. \$2,375?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Was that for your services in making inspection?

Mr. BENTLEY. No, sir; it was for expenses. Sometimes a large delegation of Indians went with me.

Mr. EMBRY. Clark's expenses to and from Mexico, cash paid him, including Big Bend expedition, \$400?

Mr. BENTLEY. That should include money advanced to Clark also, if it is not included there—expenses paid for him.

Mr. EMBRY. Attorney fees in defense of criminal and suits against self and the Indians, \$2,185. You paid that money?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Getting Indians to and from court, \$500. That is transportation of the witnesses that you mean by that?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Personal expenses same, \$2,400.

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. That was additional expenses in attending court by witnesses?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Expenses, five trips of delegation to Mexico, \$2,100?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Then, expenses of six trips of delegation to Washington, \$3,200?

Mr. BENTLEY. Yes, sir; I made those trips with the delegations myself.

Mr. EMBRY. Rents, \$450 or \$460. Which is that?

Mr. BENTLEY. \$450, I think.

Mr. EMBRY. That is rent on what account?

Mr. BENTLEY. Rents in Mexico and office in Shawnee—different places.

Mr. EMBRY. What is that below rent?

Mr. BENTLEY. Fines paid for Indians.

Mr. EMBRY. Fines, \$150. Is that correct?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Pasture, \$400?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. That was pasture for Indians?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Moving to Sonora, \$2,800?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. That was the recent trip the Indians made?

Mr. BENTLEY. Yes, sir; expenses connected with it.

Mr. EMBRY. Aid to Indians during Grimes's raid, \$1,500?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Do you mean that is in addition to such money you may have advanced on deeds?

Mr. BENTLEY. Yes, sir; I mean that was sent over there from time to time and distributed among the Kickapoos to keep these fellows from taking their money and being starved into submission.

Mr. EMBRY. Expense during Grimes's raid, \$1,500?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. Did you send \$1,500?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. What was the \$500 for?

Mr. BENTLEY. I was at very heavy expenses at Eagle Pass, keeping a team and driving between the two telegraph offices, feeding Indians and protecting them, including a place for them to stay.

Mr. EMBRY. Clerk's expenses, \$400?

Mr. BENTLEY. Yes, sir. That included the expense when I took a clerk from Washington in May.

Mr. EMBRY. That was Erney?

Mr. BENTLEY. Yes, sir. We paid his expenses down and back home and his salary from May to September, 1906.

Mr. EMBRY. Notary expenses, \$100.

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. What is this next item?

Mr. BENTLEY. Interest.

Mr. EMBRY. Interest, \$1,385?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. What is that?

Mr. BENTLEY. That is interest that I paid at the Border National Bank to Mr. Everest and on a note of \$2,600 that my wife owed.

Mr. EMBRY. Now, I see here that you show you have received on account of these Indians \$37,209.91?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. That includes some items which I mentioned a while ago and some which I have not mentioned, but which are in your account?

Mr. BENTLEY. That includes all funds received; yes, sir—that is, which have been in use for the Indians generally. This does not include the amount I owe some Indians individually.

Mr. EMBRY. This does not include money borrowed from the Indians individually and which you have not paid?

Mr. BENTLEY. No, sir.

Mr. EMBRY. This does not purport to give from whom you borrowed money individually?

Mr. BENTLEY. That is accounted for in the Thackery Exhibit A statement.

Mr. EMBRY. This exhibit shows you have expended on this account \$45,260?

Mr. BENTLEY. That is approximately correct.

Mr. EMBRY. Leaving a balance of \$8,060.09?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. Have you any vouchers or receipts showing the expenditure of this money?

Mr. BENTLEY. Yes, sir; a large part of it. Some of it I have not. There was some money that was paid to the Border National Bank. I have those checks and a lot of checks that are in the Indian camp over there that got lost in Muzquiz that I have been unable to find. But pretty generally I have vouchers for all that expense. Some few items perhaps I have not got. I want to explain that I have not been back to the Indian camp since the wreck over there, and all the Indians' baggage and trunks and satchels and all that kind of stuff was stored in Muzquiz and has been shipped back to Mexico, where I can now go. I think my box, containing quite a lot of

papers and stuff, will soon be available, which contains my checks, and vouchers to some extent, or what may be lacking.

The CHAIRMAN. Shipped back to Muzquiz, Mexico?

Mr. BENTLEY. Shipped from Muzquiz through the United States in bond. It came through Eagle Pass, through Douglas, and on down to Mexico again. It went through Douglas and across the border.

The CHAIRMAN. It is in Sonora, instead of being Coahuila.

Mr. BENTLEY. Yes, sir. There are some checks still in bank that I have overlooked drawing out that would account for some of this money.

Mr. EMBRY. Mr. Bentley, I think the statements exhibited there, one or two with Mr. Bonnett, of moneys deposited by you in the Border National Bank since March, 1905, approximated fifty some thousand dollars?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. From what source did you receive those moneys?

Mr. BENTLEY. I think those are balances of Indian money and money received from the sale of land, and money that I had in other banks and withdrew and deposited there on account of excessive use of money there—money from any source whatever. As I have stated to the committee before, up until what we term the Grimes raid down there, I did not owe anybody. I did not pay any interest or owe anybody, but when that trouble came there the Indians demanded and wasted more money than they otherwise would have, and the drafts came there and became very heavy on our resources. Where people owed me I demanded my money and deposited it there. I could not tell you offhand where it all came from. I usually had funds in different banks that related to my own affairs. I had an account in the national bank of San Antonio, the First National Bank; I had an account with the First National Bank, at Roff, Oklahoma, and I carried an account at the Canadian Valley Trust Company.

Mr. EMBRY. At what place?

Mr. BENTLEY. Muskogee. And I had accounts in the First National Bank and I think the State National Bank of Shawnee, and sometimes money from some outside sources. My own funds were deposited in the Border National Bank and intended for some use. Perhaps it was not used. I may have checked it out, because it was my own money. The effort was to concentrate all the money there to make all the funds I had available. For some years I have had a great deal of individual money and my wife's money went into the account down there.

Mr. EMBRY. From what source of your individual effort or property have you received money during 1905 and 1906?

Mr. BENTLEY. I would not be able probably to give all the sources I had. I had notes and mortgage money due me. We sold lands that belonged to my own family's estate, and as I tell you—

Mr. EMBRY. Where?

Mr. BENTLEY. I sold some land at Harrah, Okla., and I received rents, probably a couple of thousand dollars, from different properties that we own.

Mr. EMBRY. At what place?



Mr. BENTLEY. I rent several houses in Shawnee, Okla. I have farms in the Indian Territory which I rent.

Mr. EMBRY. The farm at Roff?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. What other?

Mr. BENTLEY. I have a farm in the Cherokee Nation.

Mr. EMBRY. What place?

Mr. BENTLEY. Near Seneca. I do not think, however, that it rents. I think the Indian office has scared my tenant, and he will not pay.

Mr. EMBRY. Does that belong to yourself or your wife?

Mr. BENTLEY. My wife. I do not think she so testified, because she does not know it is in her name, as other property.

Mr. EMBRY. Any other funds from banks since March, 1905?

Mr. BENTLEY. Only different balances where I have done business, and money my wife had and borrowed and forwarded.

Mr. EMBRY. Since these Kickapoo Indians have been in Mexico—and I understand that the greater part of them that are there had been there about four years, some for a longer time—there have been no schools among these Indians, have there?

Mr. BENTLEY. No, sir. The Government has harrassed us so persistently that we have never been able to establish a school. The Kickapoos are very willing to be educated in Spanish, and if the Government would leave us alone a little bit down there we would erect a schoolhouse after their idea and we would have schools.

Mr. EMBRY. You have never made any effort to establish schools?

Mr. BENTLEY. We have never been left alone long enough to take the necessary steps to establish a school. We did go to the trouble of having a teacher and building an arbor for a school, but some trouble came up and we did not follow it up.

Mr. EMBRY. When was that?

Mr. BENTLEY. I think that was while they were living on what might be termed a common—a piece of wild land we had to pay rent on.

The CHAIRMAN. In Mexico?

Mr. BENTLEY. Yes, sir. Some relation of Galan's, who spoke a little English, was willing to drive out and teach four hours a day for forty dollars a month. I think some poles were cut and quite a little preparation was made to erect an arbor for a school. Some trouble came up and it was not carried out. The Indians have no objection to being educated in Spanish.

Mr. EMBRY. If the conditions existed in the administration of law as shown by this record, how would you expect to protect those Indians in Mexico to secure any rights for them?

Mr. BENTLEY. If the mother Government will receive the Kickapoos.

Mr. EMBRY. You mean the United States?

Mr. BENTLEY. Yes, sir; if they will stay away and not come and disgrace them by throwing them in prison as they have done, the Mexican Government will respect them. I will cite you a fact. Prior to the Government sending its agents there to harrass them the Kickapoos were more respected than the native Indian people of Mexico. I want to say in that connection that there are very few of the Kickapoos here as drunken as the Department agent repeatedly has told you in his report. As to those now in Sonora, there is no

habitual drunkard among them. Nine-tenths of them never drink. You have now there, as in Oklahoma, the drunken, renegade element of the Kickapoo Indians, and I prefer Thackery shall keep them there, and in their absence I do not apprehend we shall have any trouble with the Mexican authorities. Besides the government of Sonora and the government of Chihuahua are very different governments from the locality we were in. Creel is governor of Chihuahua, and his administration is such that white people do not complain. People feel secure in their property rights, and the administration is progressive, just, and modern.

Mr. EMBRY. You think the Sonora government would be all right?

Mr. BENTLEY. I think in Sonora, if the United States does not interfere and show a disposition to want the Kickapoos driven out, they may remain there in peace.

Mr. EMBRY. You formerly thought Coahuila was all right, and Muzquiz is in that territory?

Mr. BENTLEY. It would have been all right if our Government agents had not persecuted the Kickapoos there. I think we would have gotten along very nicely.

Mr. EMBRY. You made some mention, I think, about a purpose some time in the future of conveying to some trust company such properties as the Kickapoos should hold in Mexico?

Mr. BENTLEY. I am fully aware that my life will not be prolonged beyond the lifetime of ordinary individuals and I expect to put the affairs of the Kickapoos in proper shape to arrange a proper trust that will exist continually.

Mr. EMBRY. Give us some of your ideas as to how you think you could do that.

Mr. BENTLEY. I have asked Senators and others who have knowledge of Indian affairs, and I have formulated an idea of my own, and several ways have been suggested, though perhaps the most feasible one is to take the title in trust in some solvent trust company of the United States under proper terms, and that enough of their funds should be invested in national bonds of the Republic of Mexico, so that the interest on those bonds will perpetually pay their taxes, or during the life of the bonds. The governors of the States have said they will make an agreement that the interest on bonds of the nation should pay the interest on any particular tract of land.

The CHAIRMAN. You mean pay the taxes?

Mr. BENTLEY. Yes, sir; during the life or tenor of the bonds. We can procure ninety-year bonds drawing 6 per cent interest at about 85 cents, I think. That was the market at one time. I think that is a very judicious investment for the Indians, as an interest-paying investment, and I would be in favor of consummating that plan to buy bonds enough so that there would be an accumulation in excess to some extent of the actual present requirements of taxes.

Mr. EMBRY. You proceed on the theory that these Kickapoos are themselves incompetent to take care of their own property and handle these estates, do you?

Mr. BENTLEY. Yes, sir; to some extent. I proceed on the theory that all full-blood Indians, like the Indian people of Mexico, there must be a superior or directing mind; and I also proceed upon the theory that in view of the religion of the Kickapoos that they can

never be assimilated by the white race, and unless they can be permitted to live in some community by themselves and under their own customs, like the buffalo and other native things, they will soon be extinct.

Mr. EMBRY. You think the Government and its officials would not be proper parties to make this adjustment of their status and arrange for their future?

Mr. BENTLEY. I am of the opinion that the Kickapoos can only be protected by such persons as have their confidence, by persons that they know are acting in their interest. I do not think the Government agents could induce an Indian to labor or induce him to do very much of anything that would be useful to himself. But I believe this, if left to his own management for a few years, undisturbed, by putting schools among them and acquiring the language of the country down there, that in the course of time perhaps they would come to a point where he could well take care of himself.

Mr. EMBRY. Do you not think it safer for the Kickapoos though, they being in Mexico, that the Government might take charge of their property and lands?

Mr. BENTLEY. Not from the treatment by the Government in the past. The Government has first taken his reservation, without his consent, and then their faithless officers have followed the Indian into a foreign country and held him up while somebody robbed him. I do not think they should be expected to have any great degree of confidence in Federal officers from their past experience.

Mr. EMBRY. It has been your effort to get absolute control of this property?

Mr. BENTLEY. It has been my judgment, by the kindly feeling I have for the Kickapoos and the extreme confidence they have in me, that it would be my disposition to take closer and better care of them than any government or paid officer who had no interest in them other than his salary would give him.

Mr. EMBRY. How long have you been devoting your energies to securing their allotment lands?

Mr. BENTLEY. I have not been devoting my energy to secure control of their land at any time, as a specific thing. I have devoted my energy of taking care of the Kickapoos to this extent—if he remained in Oklahoma, under the existing law, he would apply for a patent to his land and it would be granted, as in the case of the 15 Shawnees reported in this record, who have not a foot of land on earth. If he sold his land then he would not have scarce a foothold on earth; his home would be in the section line; but if his estate here could be converted into money and then converted into other land where the pressure of the public would not force him off of it, that he would have an estate long after the other Indians in this country had nothing.

Mr. EMBRY. Can not the Government do that as well as yourself?

Mr. BENTLEY. I do not think the Government of Mexico would like the United States to come into their country with Indians they have not been able to civilize here.

Mr. EMBRY. If you should secure absolute control of these various estates of the Kickapoos and colonize them in Mexico and should remove their estates there, you would have both Kickapoos and their property beyond the jurisdiction of any American court?

Mr. BENTLEY. I expect that is true. I should hope it would be, from the experience we have had in this country.

Mr. EMBRY. There would be no American court or officer to call you to account for such abusive use of the estates of these Indians?

Mr. BENTLEY. I do not think it would apply any more than any other citizen. When an American goes to Mexico he takes his estate there and is amenable only to the law of the country. I do not think there is any statute providing that the mother government should exercise any control or jurisdiction over a United States citizen in a foreign country.

Mr. EMBRY. Most Americans who go to Mexico have a capacity to take care of themselves and these Indians have not.

Mr. BENTLEY. These Indians, if left alone for a while, will have considerable capacity to take care of themselves. They are good herders; they can take care of and raise their horses. If they had land and had it inclosed they would not squander or trade their stock. They lived very well in Oklahoma when they had a reservation there. The more aid the Government forces upon them the worse off they are.

Mr. EMBRY. If you had the absolute control of these properties and transferred the estate to Mexico in control of these Indians there, where it is so easy for a man to secure a marshal and throw another man in jail and let him lie there until they get ready to release him—

Mr. BENTLEY. When they are in collusion with the American officials, yes, sir, as this record seems to indicate.

Mr. EMBRY. Then the Indians would be absolutely under your control. You could abuse them or benefit them as you saw fit.

Mr. BENTLEY. I do not think so. I think the Mexican Government would not tolerate any abuse of the Indians by anybody. I think if the Indians were harshly treated or unfairly treated and they complained to the Mexican authorities the authorities would be disposed to protect them.

Mr. EMBRY. Does not all this record show that a helpless Kickapoo Indian in Mexico in anybody's hands is without protection?

Mr. BENTLEY. This record shows that until the United States interfered they needed no protection.

Mr. EMBRY. Do you not know there are other interests that might interfere and influence officials?

Mr. BENTLEY. I do not think anybody without the prestige of the United States behind him would be in danger of anybody coming to interfere with him.

Senator CURTIS. Do you not think instead of the prestige it was dollars and cents that took the Indians down there?

Mr. BENTLEY. Yes, sir. When a man comes and says, "I am an officer of the United States" he generally had the prestige of the United States behind him, which gives him an influence and strength there that he could not otherwise exert.

Mr. EMBRY. These officers of the United States pretending to represent the dignity of the United States could not have been staying in an Indian camp and getting drunk?

Mr. BENTLEY. No, sir; when the Indian complains to the judge he says, "No one can come on your land without your consent; no

one who is objectionable to you shall be permitted to come there." and Outcalt could not go there. The Indians had as much right to say who should come in their camp as you have who shall come in your home.

Mr. EMBRY. In driving them away from the camp—

Mr. BENTLEY. What right had they to go on the land of a Kickapoo Indian? Even if they were officers of the United States, the Indians said, "If you have any business with us we will see you down to Muzquiz; that is the proper place." Would you think anything strange of an Indian objecting to Mr. Outcalt or Mr. Thackery coming there when they knew the character of those men who came with them? There was Doctor Beatty, who had been selling them whisky for years. There was Grimes, who had robbed them at every turn, and I think the Indians were wise in refusing Outcalt and Thackery admission to their camp when so accompanied.

Mr. EMBRY. I do not suppose there was an Indian who knew Thackery and Outcalt, unless they were misinformed, who would refuse to allow either of them to come there.

Mr. BENTLEY. The Kickapoos never had any exalted opinion of Mr. Outcalt. Of course, they lived there at Shawnee and knew him and saw him drunk. In other words, a Kickapoo Indian has no confidence in a white man who frequents saloons, which was Outcalt's principal place of resort, and naturally the Indians would not have any confidence in him.

Mr. EMBRY. But Frank Thackery does not frequent saloons, does he?

Mr. BENTLEY. No, sir; but when he came there with the character of men he did, the Indians could not feel that Thackery was strongly in sympathy with them. They protested against his coming there as agent originally. The Shawnees have never been friendly to him. He arrested them and held up their property and prevented them from going when they wanted to go away. He opposed them.

Mr. EMBRY. You have always led your Indians to resist inquiries on the part of any official of the United States.

Mr. BENTLEY. When Pah-ko-tah came to me with his bones broken and I had to have him put in a plaster cast, and Thackery did not take notice of his trouble, and I had to pay to have him put in a plaster cast to save his life, I do not think he was likely to be encouraged that Thackery was his friend very much.

Mr. EMBRY. Now, you seem to have associated with you Lee Patrick, for the purpose of removing Shawnees to Mexico?

Mr. BENTLEY. I positively did not.

Mr. EMBRY. You solicited him, did you not?

Mr. BENTLEY. No, sir; I did not. I can give you my exact language to Patrick.

Mr. EMBRY. Give us your exact language to him.

Mr. BENTLEY. It was this. Patrick and Charles Conklin and Hoffman & Co.—

The CHAIRMAN. Who were they?

Mr. BENTLEY. A large firm of traders and bankers. They at one time thought very seriously of acquiring a large piece of land in Mexico as a speculation, and could have acquired it very cheaply, and I have learned since with \$35,000—in view of the failure of the

present purchaser to raise the money—could still acquire the land at a very advantageous price by reason of this panic, and I did ask Patrick whether or not he thought it would be possible for his concern to raise \$35,000 in cash, provided proper inducement was offered down there; and he assured me that he did not think it could be, and I believe he said to me if at a later period I saw an opening down there I would let him know, that something might be done with the Shawnees down there. There are 25 Shawnees I expect to take over there.

Mr. EMBRY. Who were the twenty-five Shawnees you expect to take over there?

Mr. BENTLEY. Joe Hill and his family and Charlie White. The restrictions are being removed in Oklahoma and they are selling their land and becoming paupers.

Mr. EMBRY. Are they all competent?

Mr. BENTLEY. They are the most competent of the Shawnees. They do not get any aid from the agent, and they go ahead and attend to their own affairs.

Mr. EMBRY. Do you say they have had their restrictions removed as to removal?

Mr. BENTLEY. Those that have applied. Those that took credit at the agency store have had their restrictions removed.

Mr. EMBRY. Do you think they can sell their lands and are competent to go to Mexico?

Mr. BENTLEY. They have sense enough not to get in debt with the trader and sell their lands in this country, and they have shown themselves to me to be more competent than the others.

Mr. EMBRY. You know that their land is exempt from any such debt as to pay a trader?

Mr. BENTLEY. Yes, sir; but if an Indian has a good piece of land the trader does not hesitate to extend credit to him. If he gets in debt considerable he takes a whole lot of his land and what he has got, and every time he sees him he importunes him to pay. An Indian can not stand to be importuned. If you harrass him like you would a white man he becomes discouraged and yields and applies to the agent to have his restrictions removed.

Mr. EMBRY. You think it is better to take these Indians to Mexico and you yourself get the land?

Mr. BENTLEY. I think it would be better for them to go to Mexico and have something than to remain here and have nothing. I wish to call the attention of the committee to the fact that there are more than twenty of the adult Shawnees in Oklahoma who have not a foot of land on the face of the earth. The agent has been removing their restrictions right along. I have some letters that came in this mail from the very Indians down there whose restrictions have been removed and who have lost every foot of land they have, which has left them in trouble.

Mr. EMBRY. Have Joe Hill's restrictions been removed?

Mr. BENTLEY. No, sir.

Mr. EMBRY. Have Charlie White's restrictions been removed?

Mr. BENTLEY. No, sir.

Mr. EMBRY. What Indians have you whose restrictions have been removed and you want to take to Mexico?

Mr. BENTLEY. None. I do not want to have an Indian's restrictions removed and take him down there as a pauper.

Mr. EMBRY. Now, as a matter of fact, you are seeking to take these Shawnees down there with the object of buying land and speculating in their property?

Mr. BENTLEY. No, sir; I have no such intention. If they have an estate and it is conserved and properly managed, I will take care of them and they can pay me a competent fee for taking such care of them. I have no partners and never expect to have, except the Indians.

Mr. EMBRY. Have you any property except what is the product of the money you borrowed or received from the Indians?

Mr. BENTLEY. I do not think I have any property which is the product of money borrowed or received from the Indians.

The CHAIRMAN. He means have you any that you have acquired from money other than you have borrowed from Indians?

Mr. BENTLEY. The estate of my family was principally acquired before I ever had a dollar of Kickapoo money. I located the city of Shawnee, and named it; and I have educated and took care of my children and sustained my family without any Indian money.

Mr. EMBRY. In view of the fact that so many of the Kickapoos are out here tramping and barefooted and destitute, do you deem it a proper policy on your part to have those Shawnees go down there and get in similar conditions?

Mr. BENTLEY. Not if the Government is going to send somebody over there to divide them up and divide their land; no, sir. I want to say now, frankly, and fully, and fairly, unless I see an opportunity to better the condition of an Indian I shall never encourage him to go to Mexico. It is not a matter of encouragement, however, it is a matter of whether I want to take him. They will all go to Mexico if I take them or ask them to go. I intend to get away from here.

The CHAIRMAN. When you spoke about interest on your wife's note, what is there to that?

Mr. BENTLEY. My wife made a note to somebody and borrowed \$2,600, as I understand it, or part of it, and, of course, I paid the interest on it.

The CHAIRMAN. What was that money used for?

Mr. BENTLEY. That money has been used for these Indians.

The CHAIRMAN. That is a part of the money you have advanced to the Indians?

Mr. BENTLEY. Yes, sir.

Mr. EMBRY. I offer in evidence the affidavit which Mr. Outcalt has sent.

Senator CURTIS. Was that in respect of the wire I sent him?

Mr. EMBRY. When was that?

Senator CURTIS. Oh, it was a week ago.

The CHAIRMAN. We told him he might send in what he wanted to.

Senator CURTIS. Put it right in here. Do you want to read it?

Mr. EMBRY. There is a typographical error here. I will read it. It is as follows:

I, G. A. Outcalt, being duly sworn, testify as follows:

I live at Tecumseh, Oklahoma. Have been assistant to the United States attorney for the district of Oklahoma since March, 1906. In May, 1906, I went to Mexico in the Mexican land investigation in company with Mr. Thack-

ery. When we arrived at Eagle Pass we first learned that the parties known as the land buyers, which included Grimes, Brown, Moore, and Johnson, had gone to Mexico.

While at Eagle Pass I met Mr. Smidt, who is connected with the First National Bank of Eagle Pass, and learned from him that he had never had any business, association, or connection with the Kickapoo Indians. Mr. Thackery and I arrived at Muzquiz, in Mexico, on May 29. In the afternoon of the 30th we went to the Indian camp. On that trip we did not stay in the camp or talk to the Indians, but went east of the camp to a lake fishing. We returned to the camp about sundown and were met by some Mexican policemen with an interpreter, who ordered us to leave the camp or submit to arrest. We left and went to Muzquiz that night. On the morning of May 31st we called on Mr. Guajardo, Hefte Politico, and was informed by him that Mr. Bentley had complete charge of the Indians and that we would have to see Bentley and make arrangements with him before we could see the Indians. He refused to recognize my authority and said that I would have to get instructions from the Mexican Government before he would recognize our rights to confer with the Indians. Mr. Thackery and myself talked the matter over and by agreement he left for Eagle Pass, Tex., to report to his department and the Department of Justice. The telegrams and correspondence between Mr. Thackery and the Departments at Washington met with my approval at the time, and he acted for me and with me in the matter. It was understood between us that we would attempt to prevent the passage of the bill pending removing restrictions from Kickapoo land, and if we failed in that, we would have the bill amended so that none except the Indians who had gained citizenship in another country could sell. The bill passed in spite of all we could do, and then we asked the Department to induce the President not to sign the same, but were unsuccessful in that. I was not notified of any change in the order prohibiting my intercourse with the Indians, which had been made by the local Mexican authorities until June 25, at which date I wired Mr. Thackery at Eagle Pass, to come at once, and bring an interpreter. I had not heard from him up to June 28, when I wired Smidt of the First National Bank as follows: "Is Thackery coming with interpreter?" "(Answer.)" "Where are other boys?"

At that time Brown, Conine, and Grimes were at Muzquiz. Russel Johnson and George Graham were at Eagle Pass, and I felt satisfied that if Smidt did not know where Thackery was, Graham and Johnson would know, and they were the parties I had reference to in the telegram. I was right in my surmise, for Russel Johnson, instead of Smidt, answered me. My only object in making inquiries was to locate Mr. Thackery, and I left satisfied that I could do it in that way.

From about June 5th to the 18th I was confined to my room part of the time by a severe case of poison oak poisoning. My feet and limbs were swollen to such an extent for a period of nearly two weeks I could not wear a shoe nor get about much. During that time I learned that Grimes and other Americans who were at Muzquiz were permitted to go to the Indian camp, and I believed that the local authorities had got some instructions from their national or State authorities directing them to modify their former order, and on somewhere between June 8 or 10 I wired Mr. Thackery that I believed the "authorities were weakening," as the boys, having reference to the Americans who were there, were allowed to go to the Indian camps. On about the 12th of June I wrote Mr. Thackery, stating the facts to him, and in that letter said to him "that I believed that the authorities had some instructions but were keeping them from us. It was getting very monotonous and I believed as soon as I could get around that I would try to visit the camp." I did not, as a matter of fact, do so until I had been advised by the authorities that I would not be interfered with further.

Mr. Bentley's arrest was without my knowledge or connivance, and I never knew that the matter was being considered until after he was placed in jail. The statements of the Indians were not filed by me prior to his arrest, but were filed about the 26th or 27th of June, and were all filed at the same time. These statements had been voluntarily made to me by the Indians without any inducement on my part to make the same. Mr. Thackery or myself had no connection with Grimes, Brown, Chapman, Johnson, or any other land buyers than to meet them on the street and at the hotel and plaza in a general way, as we would have met anyone else. We never advised any Indian to sell his land or that he ought to sell it. On the other hand, our advice was, whenever we



talked with them, that they ought not to sell their land, but should keep it. I never at any time told a Kickapoo Indian, either in Mexico or out of Mexico, that he ought to sell his land, but have told every one that ever talked to me anything about it not to sell. I never did, and Mr. Thackery never did to my knowledge, either buy liquor or give liquor to any Indian when we were in Mexico or anywhere, and we never drank with them either in a saloon or outside.

I was never in a room in Mexico where Racheal Kirk and Effie Douglas were unless they may have come into the room where Mr. Clark and myself were stopping, either to interpret or witness the signatures of some of the Indians who were taking their lease money. We did not permit the Indians to loaf and lounge around our room, and they did not do so. Mr. Clark stayed constantly with me, sleeping on one cot in the room after Mr. Thackery left. I did not cause the arrest of a single Indian or any other person when in Mexico.

The testimony of Manual Mills is incorrect when he says I arrested him or that I kept him from going any and all places that he pleased. He did sleep for a time in my room at my request and I paid for his board, and during that time he acted occasionally as an interpreter. I never at any time used vulgar or profane language to or about him. I was not in Sabinas any time in July, 1906, before or after July 29th. I was not there on July 6, but was at Muzquiz.

At the time I sent the telegram to Mr. Thackery wherein I stated "the authorities are weakening" the bill removing restrictions from the Kickapoo Indian lands had not become a law and I do not think it had yet passed Congress.

I never saw any of the deeds made by the Indians until after my return to Oklahoma. The persons claiming to have bought these lands did so without any advice, assistance, or help from me, and I never knew or was present when any purchase was made, deeds signed, money paid, or any other transaction connected with the purchase or conveyance of said lands.

I know that Mr. Thackery was strongly opposed to the Indians selling their lands, and he never, to my knowledge, gave them any advice about the matter, except not to sell, and with me did all he could to prevent the legislation that finally passed. I never did, nor did Mr. Thackery to my knowledge give any intoxicating liquors of any kind to an Indian in Mexico or anywhere else.

Any statement that I was intoxicated while there is absolutely false. I never gave any advice to anyone in Mexico or anywhere else that any of the Kickapoo lands could be sold or purchased, except inherited lands, which could be sold under regulations of the Department, which required notice. I never knew until after I had left Mexico that any deeds had been executed in Mexico. If any were so executed they were without my knowledge.

I never was at Guajardo's house when any Indian or Indians were there except on Saturday, the 14th day July. At that time I urged the Indians not to sell their lands, but to take their lease money, which I had for them, and they agreed to accept it if I would come to the camp the next day. Mr. Clark and myself went to the camp on the next day and most of them refused to accept the money.

About July 21 I received a telegram informing me that my commission as assistant United States attorney had expired and for to return home. I immediately received another message informing me of my reappointment, and for me to close up business and come home as soon as possible. I was delayed for a few days in getting the transcripts of records I deemed necessary to have. I started for home on July 28 and passed through Sabinas on the 29th of July, and this was the only time I was in Sabinas during that month. While at San Antonio I sent to Mr. Thackery for money and received the same by wire. I do not know what testimony has been given before the committee on its trip recently, as I was not permitted to be present when the Indians testified. Several of the Indians came to me at Shawnee and stated that Bentley and Field had told them they would get their land back if they would testify as they had done, and wanted to know what I thought about it.

G. A. OUTCALT.

Subscribed and sworn to this 30th day of November, A. D. 1907.

[SEAL.]

W. T. WILLIAMS,  
Notary Public.

My commission expires the 18th day of August, 1907.

Mr. EMBRY. That is all I want to read to you just now. I also offer in evidence the following papers—

Mr. BENTLEY. Those retractions offered by Mr. Embry do not amount to anything. They are from persons who some years ago indorsed me and are now principally, either directly or indirectly, interested in the Kickapoo land fraud, and of course to injure my reputation would aid them in the land litigation. As to the statement of L. G. Pitman, one of those exhibits offered by Mr. Embry, in which Mr. Pitman says: "I never saw the original instrument of recommendation and never signed the same, nor did I authorize anyone else to sign my name thereto," Mr. Pitman is simply mistaken or has forgotten, because I have here the original, which bears his signature and was written there by him in my presence.

(The papers offered by Mr. Embry are as follows:)

SHAWNEE, OKLA., November 30, 1907.

*To whom it may concern:*

I have been shown what purports to be a copy of an indorsement of Martin J. Bentley, dated February 13, 1902, with my name attached to the same. I never saw the original instrument of recommendation and never signed the same, nor did I authorize anyone else to sign my name thereto. My name has been placed thereto without my knowledge or consent.

I have been a resident of Pottawatomie County for about fourteen years and served as county attorney for nearly four years and have known Mr. Bentley and his general reputation and standing during my residence here, and at no time would I have signed a recommendation for him. His character and honesty have always been a subject of general comment here, and that comment has been so unfavorable to him that I know his general reputation amongst residents of Shawnee and vicinity for honesty, morality, and fair dealing and his general reputation in this regard is bad. I make the above statement for no other purpose than to correct the mistake that I signed said recommendation for Mr. Bentley, showing that he is of good character and reputation among those who know him, when I know that such is not the case.

Very respectfully,

L. G. PITMAN,  
*Attorney at law.*

SHAWNEE, OKLA., November 29, 1907.

*To whom it may concern:*

In regard to petition I signed some time ago for Mr. Bentley, will say I know no more about him now than I did then, and, as far as he and I have had any dealings, he has always been a gentleman. Further than this I know nothing for or against him.

Yours,

H. O. BAILEY.

SHAWNEE, OKLA., November 30, 1907.

*To whom it may concern:*

I, F. P. Stearns, mayor of the city of Shawnee, having made statement as to the character of M. J. Bentley in the year 1902, wish at this time to state I have changed my mind and would not now make such statement about his character, as time has shown I made a mistake. Judging from his general reputation in this community, I could not conscientiously do so now.

Yours, very truly,

F. P. STEARNS.

NOVEMBER 28, 1907.

*To the Senate committee investigating alleged frauds in the sale of Kickapoo lands and other Kickapoo matters.*

GENTLEMEN: My attention having been called to the fact that several years ago myself and others signed a paper certifying to the good character of Mr.

M. J. Bentley, agent for the Kickapoo Indians, and being informed further that I am desired by said Committee to state at the present time what I know the general reputation of the said M. J. Bentley at this time to be for honesty and fair dealing, I respectfully state that at the time I signed the said paper, while I had heard some statements calculated to reflect upon his character more or less, I did not consider that they emanated from reliable sources.

But that if I were placed upon the stand as a witness and asked what the general reputation of said Bentley now is for fair dealing I should be compelled to state that it is not good; that the talk in this community, where Mr. Bentley lives, is and has been for several years quite general to the effect that said Bentley has been engaged in many grafting schemes in reference to Indian lands and other things.

Respectfully submitted.

W. S. PENDLETON.

STATE OF OKLAHOMA, *Pottawatomie County*:

I, W. R. Asher, being duly sworn, state that I am a lawyer by profession and am mayor of the city of Tecumseh, Okla.

That I have been continuously a resident of Tecumseh, Okla., since September 22, 1891, and am now a resident of said city.

That I have known Martin J. Bentley for about fifteen years.

That the character of said Bentley for honesty and fair dealing has been a subject of common comment among the residents of Shawnee and vicinity for several years last passed.

During that period of time I have heard numerous persons in various occupations speak of him and discuss his character in this regard, and I know his general reputation for honesty and fair dealing, and that reputation is bad.

My attention has been called to the fact that my name appears to a recommendation of Mr. Bentley, dated Shawnee, Okla., February 13, 1902. I never signed said statement, and would not sign a similar statement now.

My name was placed to said instrument of recommendation without my knowledge or authority.

My best recollection is that I have never at any time signed a recommendation for Martin J. Bentley for any position.

W. R. ASHER

TERRITORY OF OKLAHOMA, *County of Pottawatomie, s. s.*:

I, F. B. Reed, of lawful age, being duly sworn, state: That I am cashier of the Oklahoma National Bank, of Shawnee, Okla., and a resident of Shawnee, Okla.; that I have known M. J. Bentley for about twelve years; that some years ago I signed a statement of recommendation for said Bentley; at that time I was of the opinion that he had made a good agent for the Kickapoo Indians; that later his dealings with them became a subject of daily and very general comment among the people of Shawnee and vicinity, and it is considered generally by the people here that his dealings have not been honest and "above board."

The matter of his honesty has been a subject of such constant and general comment that I know his general reputation for honesty is bad.

I would not recommend him in this regard now.

F. B. REED.

Subscribed and sworn to before me this 26th day of November, 1907.

\_\_\_\_\_, Notary Public.

SHAWNEE, OKLA., November 30, 1907.

*To whom it may concern:*

I know Martin J. Bentley, and have known him for a number of years. I am a resident of Shawnee, Okla., and have been such resident for several years, during all of which time I have known Mr. Bentley well. I was formerly mayor of this town. I am informed that my name appears attached to an indorsement of Mr. Bentley dated February 13, 1902, recommending him as an honest, upright, and moral citizen. I do not believe that I ever signed such an indorsement for Mr. Bentley, and I would not do so at this time. Mr. Bent-

ley's character has been and is now a topic of very general and common comment among the citizens of Shawnee and vicinity, and this comment has been so general and common that I am able to state that his general reputation for honesty and fair dealing is not good.

Very respectfully,

CHARLES J. BOEHER, *Merchant.*

SHAWNEE, OKLA., November 29, 1907.

*To whom it may concern:*

This is to certify that on or about February 20th, 1902, I signed a certain statement to the character, truthfulness, etc., of one J. M. Bentley. At that time I had only known said Bentley about six or eight months, and, while I am in no way connected with the recent Indian lands investigation, I wish to state that had I known said Bentley then as I do now, would not have signed said statement under any consideration.

J. H. AYDELOTTE.

Mr. EMBRY. I have here business statements, original statements. If Mr. Bentley wants them he can offer them.

Senator CURTIS. Read them to the committee.

Mr. EMBRY. I will do so. And here is another statement which I would like to put in the record:

*TERRITORY OF OKLAHOMA, County of Pottawatomie, s. s.:*

C. J. Benson on oath being sworn, deposes and says: That I have known M. J. Bentley for over twelve years, that about the year 1900 I signed a statement testifying to the good character of M. J. Bentley, that at that time I was unfamiliar with the dealings of M. J. Bentley with the tribe of Kickapoo Indians, that since that time numerous transactions of said Bentley with said tribe of Indians have come to my personal knowledge, which has led me to change my mind. That these transactions of Bentley with the Indians have been of such a nature as to clearly demonstrate to me that he has been dishonest with them, that he has taken large sums of money from them under the guise of being their protector, and has not returned the money to them. Other transactions have come to my knowledge from various persons with whom he has had dealings, which indicates to me that his reputation in this community is very bad.

It has been a matter of general comment among the people of this community that his reputation is bad.

C. J. BENSON.

Subscribed and sworn to before me this 26th day of November, 1907.

\_\_\_\_\_, *Notary Public.*

SHAWNEE, OKLA., November 30, 1907.

*To the Senate committee investigating alleged frauds in the sale of Kickapoo lands and other Kickapoo matters:*

The removal of restrictions by piecemeal, in my opinion and from my observation, has always worked a detriment to the Indian. Nine cases out of ten, where the restrictions are removed by piecemeal, there is always graft connected with it. The land is generally sold before the restrictions are removed. When any restrictions are removed it should be for the purpose of the Indian selling his land, and then it ought to be advertised and sold to the highest bidder. That is the only safeguard for the Indian.

The seven pieces of land near Shawnee, where the restrictions were removed by Congress three years ago, were all bought, and probably before the law passed, by M. J. Bentley for a nominal sum. Some of the pieces were worth as much as \$40,000 to \$50,000 per 80 acres, and this holds good as a general rule.

M. J. Bentley, of Shawnee, Oklahoma, has the confidence of a number of the Mexican-Kickapoos, and absolutely controls them in the way of testimony, affidavits, or anything of the kind, even to the extent of sending people to the penitentiary. There is no proposition that Bentley can not prove by members of the Kickapoo tribe.

I have learned since testifying before your Committee in Shawnee that certain members testified that they were misled in making a deed to the party that bought a few pieces of the land for me. All of which was false. They were fully advised in every case and they should not have been advised to testify falsely by being promised the gain of a few paltry dollars.

Walter Field, of Washington, D. C., and M. J. Bentley, of Shawnee, Okla., have used these Mexican-Kickapoos, not from a philanthropical view, but for personal gain. In matters of this kind M. J. Bentley's testimony, in our courts at home, would not stand the test. I would rather have the plain statement of Frank A. Thackary, the Indian Agent at Shawnee Mission, and George Outcalt, of Tecumseh, Okla., than the affidavit of the Kickapoo Tribe, backed up by Bentley and Field.

While M. J. Bentley pays his debts, he is known as cunning and he is of such character that does not have the confidence of this community after becoming acquainted. Years ago, when he was agent for the Kickapoos and there was a fight on, a great many citizens testified to his worth that would not testify at this time.

In the few pieces of land that my agent bought for me I thought I was benefiting the Indian by putting a little competition in the field and the prices that we paid I thought at the time were too high. Some pieces were afterwards found to be reasonable and some pieces full value was paid.

The agent that bought the land for us was Russell Johnson, assistant cashier of our bank. His instructions were not to buy anything without paying a fair compensation and not then unless the Indian was fully advised and was satisfied with the sale. He was a long ways from the land. He never saw much of it and was guided largely by the rental that was paid by the leasee of the land. While he is dead, every statement he made to me, in my opinion, was absolutely true and I am willing to redeem any piece of land that the Indians claim that they did not receive the compensation as stated in the deed. All I want is for the Indian to come to Shawnee, make affidavit of the above fact and establish proof, and I will redeem the land.

Respectfully submitted.

C. M. CADE.

STATE OF OKLAHOMA, *Pottawatomie County, ss:*

I, Thomas McColgan, of lawful age, being duly sworn, state that I am a resident of Tecumseh, Okla., and have been a resident of Pottawatomie County, Okla., since the year 1892. That I know Martin J. Bentley and have heard a large number of the residents of Shawnee and Tecumseh and vicinity discuss his character many times as to morality, honesty, and fair dealing. That Bentley's character in this regard has been a subject of very general and common comment by the people living in Pottawatomie County, Okla., for the last several years and his general reputation for honesty and fair dealing is bad. It is the general talk that he is a scheming, unscrupulous person in a business way and will not deal honestly with those whom he can deceive. I am advised that some years ago I signed some kind of an instrument recommending him, but if I did so I did it at the request of some friend, as I knew little or nothing about him at that time. I would not recommend him now.

THOS. MCCOLGAN.

Mr. EMBRY. I have some other matters I want to present on my own account pertaining to my own office.

The CHAIRMAN. You may read them.

Mr. EMBRY. Relative to suits brought for these lands which were alleged to have been conveyed by Kickapoo Indians.

The CHAIRMAN. To whom?

Senator CURTIS. All of them?

Mr. EMBRY. All of these people.

The CHAIRMAN. Go ahead.

Mr. EMBRY. Sometime in the early part of the year, probably prior to that, C. J. Benson, in some suits and Chapman and Brown in others, brought action against Ives and others to quiet their title

as against the title to Ives in these Kickapoo lands, and on May 24 of this year we filed motions for leave to intervene on the part of the United States in ten of those cases, which was our intention in all of them. I do not know whether we have attempted—

Senator CURTIS. If you have not, you will in the others?

Mr. EMBRY. Yes, sir; the hearing was delayed and the plaintiff objected to our coming into the case.

The CHAIRMAN. That is Grimes and Company?

Mr. EMBRY. Benson and Chapman; but later on, October 4, the matter was heard in the District court and the court allowed us to file our notice, which we filed on November 12. The Territorial district judge of Pottawatomie County—

The CHAIRMAN. And the successors of them will be the State court, of course.

Mr. EMBRY. Yes, sir; and our contention and theory are that under enabling act, which requires that in case the United States records should be transferred to the Federal court, that these shall be transferred to the Federal court. On September 29, of this year, we filed four cases against John Garrett.

The CHAIRMAN. Those are the cases you commenced?

Mr. EMBRY. Yes, sir; we initiated these.

The CHAIRMAN. Where did you initiate them?

Mr. EMBRY. In the county court of Pottawatomie County. On October 10 we filed fourteen additional ones.

The CHAIRMAN. Of the same general character?

Mr. EMBRY. Of the same general character.

One was against W. L. Chapman, L. C. Grimes, and some savings bank.

Another was against R. C. Conine, Martha A. Grimes, and Enos Nichols.

Another against W. W. Ives, Ar-che-ko.

Another against W. L. Chapman, J. H. Meyers, C. J. Benson, W. W. Ives, and W. O. Dean.

Another against Martha A. Grimes and Enos Nichols.

Another against W. W. Ives and C. J. Benson.

Another against W. L. Chapman.

Another against W. W. Ives.

Another against Willard Johnson.

Another against E. E. Hood, C. E. Hood, and W. S. Search.

Another against C. M. Cade, Reuben W. Smith, and C. J. Benson.

Another against W. L. Chapman, C. J. Benson, John S. Malaske, and W. W. Ives.

Another against C. J. Benson, Enos Nichols, C. M. Cade, and L. C. Grimes.

Another against W. W. Ives.

Another against C. M. Cade.

The CHAIRMAN. Have you a list of them there?

Mr. EMBRY. Yes, sir; and later we filed a number of additional ones, as shown by this exhibit.

The CHAIRMAN. How many all told, do you remember?

Mr. EMBRY. I think about forty-nine or fifty. I will offer the whole of them in evidence.

They are as follows:

*Cases filed September 28, 1907, in the district court, Pottawatomie County, Okla.*

[Action for possession.]

Docket No.	Title.	Description of land.
94	United States and Mah-che-quat, plaintiffs, v. John Garrett, defendant.	Lots 2 and 3, sec. 22, T. 12 N., R. 1 E.
95	United States and Peah-twyh-tuck, plaintiffs, v. John Garrett, defendant.	The W. $\frac{1}{2}$ NW. $\frac{1}{4}$ sec. 11, T. 10, R. 3 E.
96	United States and We-sko-peth-o-qua, plaintiffs, v. John Garrett, defendant.	The W. $\frac{1}{2}$ NW. $\frac{1}{4}$ sec. 11, T. 12 N., R. 3 E.
97	United States and Ta-pah-she, plaintiffs, v. John Garrett, defendant.	S. $\frac{1}{2}$ SW. $\frac{1}{4}$ sec. 18, T. 11 N., R. 3 E.

*Cases filed October 10, 1907, in the district court, Pottawatomie County, Okla.*

[Action for possession.]

Docket No.	Title.	Description of land.
98	United States and Kah-tah-kaw-ko-ke, plaintiffs, v. W. L. Chapman, Passumac Savings Bank, L. C. Grimes, and Demming Investment Co., defendants.	S. $\frac{1}{2}$ NE. $\frac{1}{4}$ sec. 13, T. 12 N., R. 1 E.
99	United States and Peck-ke-ah-peck, plaintiffs, v. R. C. Conine, Martha A. Grimes, and Enos Nichols, defendants.	E. $\frac{1}{2}$ NW. $\frac{1}{4}$ , T. 12 N., R. 1 E.
100	United States and Ah-che-ko, plaintiffs, v. W. W. Ives, defendant.	W. $\frac{1}{2}$ SW. $\frac{1}{4}$ sec. 13, T. 12 N., R. 1 E.
101	United States and Ma-sha-she, plaintiffs, v. W. L. Chapman, J. H. Meyers, C. J. Benson, W. W. Ives, and W. O. Dean, defendants.	S. $\frac{1}{2}$ NW. sec. 10, T. 11 N., R. 3 E.
102	United States and Maw-pe-puck-e-the or (Mock Johnson), plaintiffs, v. Martha A. Grimes and Enos Nichols, defendants.	W. $\frac{1}{2}$ NE. $\frac{1}{4}$ sec. 23, T. 12 N., R. 1 E.
103	United States and Wah-pah-she-qua-quah, plaintiffs, v. W. W. Ives and C. J. Benson, defendants.	NE. $\frac{1}{4}$ SW. $\frac{1}{4}$ and lot 2, sec. 24, T. 12 N., R. 1 E.

*Cases filed October —, 1907, in the district court, Pottawatomie County, Okla.*

[Action for possession.]

Docket No.	Title.	Description of land.
104	United States and Pah-pah-thak-peat, plaintiffs, v. W. L. Chapman, defendant.	Lot 1 and NW. $\frac{1}{4}$ NW. $\frac{1}{4}$ sec. 23, T. 12 N., R. 1 E.
105	United States and Tah-nah-ke-ah, plaintiffs, v. W. W. Ives, defendant.	Lots 2, 3, and 4, sec. 15, T. 10 N., R. 3 E.
106	United States and Ke-sheck-ko-that, plaintiffs, v. Willard Johnston, defendant.	E. $\frac{1}{2}$ NE. $\frac{1}{4}$ , T. 11 N., R. 2 E.
107	United States and Kish-ke-ton, plaintiffs, v. E. E. Hood and W. S. Search, defendants.	Lots 5, 6, and 7, sec. 6, T. 10 N., R. 3 E.
108	United States and Ah-nes-she-nen-ne, plaintiffs, v. C. M. Cade, Reuben W. Smith, and C. J. Benson, defendants.	E. $\frac{1}{2}$ SW. $\frac{1}{4}$ sec. 2, T. 11 N., R. 2 E.
109	United States and Wah-ko-tah, plaintiffs, v. W. L. Chapman, C. J. Benson, John S. Malaske, and W. W. Ives, defendants.	N. $\frac{1}{2}$ SE. $\frac{1}{4}$ sec. 11, T. 11, R. 2 E.
110	United States and Ah-ten-y-thuck, plaintiffs, v. Willard Johnston, Enos Nichols, C. M. Cade, and L. C. Grimes, defendants.	Lots 4 and 5, sec. 23 and NW. $\frac{1}{4}$ of SW. $\frac{1}{4}$ sec. 24, T. 12 N., R. 1 E.
111	United States and Puck-ke-kin-no, a minor, plaintiffs, v. W. W. Ives, defendant.	S. $\frac{1}{2}$ NE. $\frac{1}{4}$ sec. 12, T. 10 N., R. 3 E.

*Cases filed October —, 1907, in the district court, Pottawatomie County, Okla.*

[Action for possession.]

Docket No.	Title.	Description of land.
112	United States and Pa-pe-ah-she, plaintiffs, v. C. M. Cade, defendant.	Lots 5, 6 and 7, sec. 5, T. 10 N., R. 3 E.

*Cases filed November 2, 1907, in the district court, Pottawatomie County, Okla.*

[Twenty-four counts.]

Docket No.	Title.	Counts.
113	United States v. W. W. Ives ..	<ol style="list-style-type: none"> <li>1. Lots 1, 2, 3, and 4, sec. 26, T. 10 N., R. 3 E.—Peme-tum-wah.</li> <li>2. W. <math>\frac{1}{2}</math> NE. <math>\frac{1}{2}</math> sec. 24, T. 10 N., R. 3 E.—Na-ni-e-kit.</li> <li>3. E. <math>\frac{1}{2}</math> NW. <math>\frac{1}{2}</math> sec. 24, T. 10 N., R. 3 E.—Nab-nat-tah-kat.</li> <li>4. E. <math>\frac{1}{2}</math> SW. <math>\frac{1}{2}</math> sec. 15, T. 12 N., R. 1 E.—Past-ko-not.</li> <li>5. Lot 5, 6, and NW. <math>\frac{1}{2}</math> SE. sec. 9, T. 10 N., R. 3 E. (Inland)—En-e-kah.</li> <li>6. N. <math>\frac{1}{2}</math> NE. <math>\frac{1}{2}</math> sec. 14, T. 11 N., R. 3 E. (Inland)—Not-we-ah.</li> <li>7. W. <math>\frac{1}{2}</math> SE. <math>\frac{1}{2}</math> sec. 2, T. 11 N., R. 3 E.—Mah-mo-ne-mah.</li> <li>8. S. <math>\frac{1}{2}</math> NE. <math>\frac{1}{2}</math> sec. 12, T. 11 N., R. 3.—We-to-mat-o-tha.</li> <li>9. E. <math>\frac{1}{2}</math> SE. sec. 2, T. 11 N., R. 2 E.—Ske-na-the-pe.</li> <li>10. W. <math>\frac{1}{2}</math> SE. sec. 5, T. 10 N., R. 3 E.—Ke-ah-qu-mok.</li> <li>11. Lots 3 and 4 sec. 13, T. 11 N., R. 2 E.—Na-mah-chi-thi-qua.</li> <li>12. S. <math>\frac{1}{2}</math> NE. <math>\frac{1}{2}</math> sec. 5, T. 10 N., R. 3 E.—Pah-ko-ne.</li> <li>13. N. <math>\frac{1}{2}</math> NW. <math>\frac{1}{2}</math> sec. 12, T. 11 N., R. 2 E.</li> <li>14. Lot 5, sec. 26, lot 6, sec. 23, and lot 6, sec. 14, T. 10 N., R. 3 E.—Ab-ke-na-mah-the.</li> <li>15. E. <math>\frac{1}{2}</math> SW. <math>\frac{1}{2}</math> sec. 23, T. 12 N., R. 2 E.</li> <li>16. Lot 10, sec. 17 and 8 E., SE. sec. 8, T. 12 N., R. 1 E.—Ah-tem-ke-ah.</li> <li>17. Lot 11, sec. 17, lots 2 and 3, sec. 18, and lots 2 and 3, sec. 20, T. 12 N., R. 1 E.—Sha-wah-kah.</li> <li>18. Lots 3 and 4, sec. 7, T. 12 N., R. 1 E.—Me-shi-kah.</li> <li>19. E. <math>\frac{1}{2}</math> NW. <math>\frac{1}{2}</math> sec. 15, T. 12 N., R. 1 E.—Mo-ke-she.</li> <li>20. Lot 1 and NE. <math>\frac{1}{2}</math> SW. <math>\frac{1}{2}</math> sec. 8, T. 12 N., R. 1 E.—Nab-nab-shi-sken-no-quah.</li> <li>21. Lots 1 and 9, sec. 17, T. 12 N., R. 1 E.—Kest-ko (or Cleveland).</li> <li>22. S. <math>\frac{1}{2}</math> NW. <math>\frac{1}{2}</math> sec. 13, T. 10 N., R. 3 E.—Chuck-ekin-ah-a.</li> <li>23. E. <math>\frac{1}{2}</math> SW. <math>\frac{1}{2}</math> sec. 24, T. 10 N., R. 3 E.—Tho-kah-qua-mok.</li> <li>24. S. <math>\frac{1}{2}</math> SW. <math>\frac{1}{2}</math> sec. 4, T. 10 N., R. 3 E.—Ko-nah-pah-pi-uk.</li> </ol>

*Cases filed November 2, 1907, in the district court, Pottawatomie County, Okla.*

[Action for possession.]

Docket No.	Title.	Description of land.
115	United States, plaintiff, v. Ida B. Bently and W. L. Chapman, defendants.	N. $\frac{1}{2}$ NE. $\frac{1}{2}$ sec. 13, T. 10 N., R. 3 E.—Wah-nah-ke-tha-hah.
116	United States, plaintiff, v. W. L. Chapman, defendant.	W. $\frac{1}{2}$ SW. $\frac{1}{2}$ sec. 2, T. 11 N., R. 2 E.—Mah-then-ne-ah.
117	United States, plaintiff, v. W. W. Ives, defendant.	N. $\frac{1}{2}$ SE. $\frac{1}{2}$ sec. 12, T. 10 N., R. 3 E.—Neh-pah-hah.
118	United States, plaintiff, v. John Garrett and E. E. Hood, defendants.	N. $\frac{1}{2}$ NW. $\frac{1}{2}$ sec. 19, T. 12 N., R. 2 E.—Me-pah-hi-e-quah.
119	United States, plaintiff, v. W. L. Chapman and W. W. Ives, defendants.	(N. $\frac{1}{2}$ NE. sec. 14, T. 10 N., R. 3 E.—No-kah-no-pit. E. $\frac{1}{2}$ SW. $\frac{1}{2}$ sec. 11, T. 10 N., R. 3 E.—Tah-pah-she-ah.
120	United States, plaintiff, v. E. E. Hood, defendant.	N. $\frac{1}{2}$ NE. sec. 19, T. 12 N., R. 2 E.—Peme-pah-hone-nah.
121	United States, plaintiff, v. Ida B. Bently, defendant.	W. $\frac{1}{2}$ SE. sec. 6, T. 12 N., R. 1 E.—Ni-ah-ki-peah.
122	United States, plaintiff, v. W. L. Chapman, C. J. Benson, John L. Malaski, W. W. Ives, defendants.	(N. $\frac{1}{2}$ SE. sec. 11, T. 11 N., R. 2 E.—Mah-squa-ko. N. $\frac{1}{2}$ SE. sec. 11, T. 11 N., R. 2 E.—Mah-ako-tah.



*Cases filed November 12, 1907, in the district court, Pottawatomie County, Okla.*

[Action for possession.]

Docket No.	Title.	Description of land.
123	United States, plaintiff, v. W. W. Ives and W. A. Bonnett, defendants.	S. $\frac{1}{2}$ SE. $\frac{1}{2}$ sec. 12, T. 10 N., R. 3 E.—Kish-ki-nic-quah.
124	United States, plaintiff, v. W. W. Ives, S. W. Sweny, W. W. Sweny, Demming Investment Co., and the National Life Insurance Co., defendants.	E. $\frac{1}{2}$ SE. $\frac{1}{2}$ sec. 24, T. 12 N., R. 1 E.—John-Mine (Mah-wah-quache).
125	United States, plaintiff, v. W. W. Ives and L. A. Hampton, defendants.	N. $\frac{1}{2}$ NE. sec. 19, T. 11 N., R. 3 E.—Athum-e-that-quah.
126	United States, plaintiff, v. W. L. Chapman, J. H. Myers, C. J. Benson, A. H. Gray, W. O. Dean, and C. R. Dean, defendants.	S. $\frac{1}{2}$ SE. $\frac{1}{2}$ sec. 4, T. 10 N., R. 3 E.—Paw-kaw-kah.
127	United States, plaintiff, v. W. L. Chapman, R. S. Harper, and C. J. Benson, defendants.	W. $\frac{1}{2}$ NE. $\frac{1}{2}$ sec. 10, T. 10 N., R. 3 E.—Chacha-ko-the-wa.
128	United States, plaintiff, v. Russell Johnson, Nickalous Ast., Eros Nicholas, and Willard Johnston, defendants.	Lots 3 and 4, sec. 5, T. 10 N., R. 3 E.—Maqua-the-eck.
129	United States, plaintiff, v. W. L. Chapman, W. W. Ives and M. A. Egan, defendants.	W. $\frac{1}{2}$ NE. $\frac{1}{2}$ sec. 9, T. 10 N., R. 3 E.—Wah-puck-we-che.
130	United States, plaintiff, v. W. L. Chapman, C. J. Benson, and J. H. Ernest, defendants.	S. $\frac{1}{2}$ SW. $\frac{1}{2}$ sec. 13, T. 10 N., R. 3 E.—Kah-kah-to-thi-quah.
131	United States, plaintiff, v. W. L. Chapman, J. H. Myers, C. J. Benson, and W. O. Dean, defendants.	N. $\frac{1}{2}$ SW. $\frac{1}{2}$ sec. 11, T. 11 N., R. 2 E.—Matko-ko-tha.
132	United States, plaintiff, v. W. L. Chapman, J. H. Myers, C. J. Benson, W. W. Ives, J. W. Timmons, Jessie A. Bonnett, and W. O. Dean, defendants.	W. $\frac{1}{2}$ NE. sec. 11, T. 11 N., R. 2 E.—Ah-che-chi. E. $\frac{1}{2}$ NE. $\frac{1}{2}$ sec. 11, T. 11 N., R. 3 E.—Chab-ke-she.
133	United States, plaintiff, v. Ida B. Bentley and W. A. Bonnett, defendants.	N. $\frac{1}{2}$ NE. sec. 12, T. 10 N., R. 3 E.—Chuck-e-quah.

*Cases filed in the district court, Pottawatomie County, Okla., to recover Kickapoo Indian lands.*

*Intervention petitions filed November 12, 1907, in the district court of Pottawatomie County, Okla.*

Motion by the United States for leave to intervene in the following cases filed May 24, 1907.  
Motion heard and allowed October 4, 1907.

[Intervention to quiet title and for possession.]

Docket No.	Title.	Description of land.
3792	C. J. Benson, plaintiff, v. W. W. Ives, Pah-e-mah, and J. H. Pemberton, U. S. A., intervenor, defendants.	W. $\frac{1}{2}$ SW. $\frac{1}{2}$ sec. 11, T. 10 N., R. 3 E.
3793	C. J. Benson, plaintiff, v. W. W. Ives, Ah-na-tha-ha-quah, U. S. A., intervenor, defendants.	W. $\frac{1}{2}$ NW. $\frac{1}{2}$ sec. 14, T. 10 N., R. 3 E.
3794	C. J. Benson, plaintiff, v. W. W. Ives, Pum-y-um-mak, J. H. Pemberton, U. S. A., intervenor, defendants.	W. $\frac{1}{2}$ NE. $\frac{1}{2}$ T. 10 N., R. 3 E.
3795	C. J. Benson, plaintiff, v. W. W. Ives, Pah-ko-tah, J. H. Pemberton, U. S. A., intervenor, defendants.	E. $\frac{1}{2}$ NE. $\frac{1}{2}$ sec. 11, T. 10 N., R. 3 E.
3796	C. J. Benson, plaintiff, v. W. W. Ives, J. H. Pemberton, Mah-to-pem, U. S. A., intervenor, defendants.	E. $\frac{1}{2}$ SE. $\frac{1}{2}$ sec. 11, T. 10 N., R. 3 E.
3809	C. J. Benson, plaintiff, v. W. W. Ives, Tah-pat-ah, U. S. A., intervenor, defendants.	E. $\frac{1}{2}$ SE. $\frac{1}{2}$ sec. 6, T. 12 N., R. 3 E.
3810	C. J. Benson, plaintiff, v. W. W. Ives, Ah-na-ska-wah-to, U. S. A., intervenor, defendants.	Lot 4, NW. $\frac{1}{2}$ NE. $\frac{1}{2}$ sec. 22, T. 12 N., R. 1 E.
3811	C. J. Benson, plaintiff, v. W. W. Ives, O-que-nah-ah-theen, U. S. A., intervenor, defendants.	W. $\frac{1}{2}$ NW. $\frac{1}{2}$ sec. 15, T. 12 N., R. 1 E.
3818	W. L. Chapman, A. T. Brown, plaintiffs, v. W. W. Ives, Pe-quah-pah-na-ka-tho, U. S. A., intervenor, defendants.	Lots 3 and 4 sec. 6, T. 10 N., R. 3 E. Lots 1 and 2 sec. 6, T. 10 N., R. 3 E.
3819	W. L. Chapman, A. T. Brown, plaintiffs, v. W. W. Ives and Pah-pe-ack, defendants.	S. $\frac{1}{2}$ SE. $\frac{1}{2}$ sec. 30, T. 11 N., R. 3 E.

MR. BENTLEY. I ask to be inserted in the record the following quotation, to be read in connection with the quotations inserted in my testimony of yesterday, beginning on page — of the general record, in which Mr. Dickson, an investigating officer of the Indian Bureau, recommends that the Department recommend to Congress

legislation to the effect that the Secretary of the Interior should be given authority to cancel allotments of any Indian who fails to remain within the jurisdiction of the United States. That is under date of December 14, 1905:

The matter referred to is as follows:

Through this undue influence, and taking advantage of their mental weakness and with the assistance of others, Mr. Bentley has been able to impose and perpetrate upon these Indians one of the most glaring and flagrant instances of misrepresentation, deceit, and fraud.

After considering the evident conspiracy to have large numbers of Indians in Oklahoma, and especially Mexican Kickapoos, migrate to Mexico, the supervisor recommends that immediate legislation be asked for, and that steps be taken at once to obtain authority from Congress whereby the allotments of all Indians migrating to a foreign country for the purpose of residence can be canceled. He thinks that this is the only way that the schemers can be checkmated.

In considering the seven deeds from the allottees covered by the act of March 3, 1905 (33 Stat. L., 1048), and which was the reason for his investigation, he recommends that Congress be asked to rescind its action in the matter of these allottees, whereby restrictions were removed from the sale and conveyance of their allotments.

\* \* \* \* \*

The matter, however, is submitted for such instructions in regard to the legislation to be recommended as the Department deems proper. It might be that legislation conferring discretion upon the Secretary of the Interior to cancel allotments made to Indians who choose to migrate to a foreign country would meet the situation as to the future. Certainly, something should be done to thwart the work of such parties as Bentley and his confederates, and discourage others from attempting similar schemes.

Very respectfully,

F. E. LEUPP, *Commissioner.*

I also invite attention to the last paragraph of page — of the Appendix, wherein the Commissioner of Indian Affairs recommends to the Secretary of the Interior, looking to the legislation to the effect that the Secretary would be given authority to cancel the allotments of any Indian who shall fail to remain within the jurisdiction of the United States.

I also ask to have inserted here, to be read in connection with my testimony of yesterday, a paragraph of a statement made by Congressman Slayden, on page — of the Appendix.

The paragraph is as follows:

Senator TELLER. Whom do you mean by "he," the Commissioner?

Mr. SLAYDEN. Yes. I suggested this to Commissioner Leupp, that the easiest and most ordinary way of remitting money due to a man was through the mail, or through some bank, and let him collect it there. I said that these Indians could be easily identified in Eagle Pass, where they were known and where they could easily establish a credit. That was found objectionable.

I said to this man Bentley, who had spoken to me about it, "Surely you must misunderstand the Commissioner. I will go and see him." I had an interesting talk with Mr. Leupp, whom I had never met before. He told me that he was not willing to remit the money in that way; that his purpose was—well, now, I do not like to say positively that he said it was his purpose, because I do not remember his exact language, but he created in my mind the impression that his purpose was to force the Indians back to Oklahoma. I said: "Why, Mr. Commissioner, it seems to me you have no right to compel these Indians to live in Oklahoma if they prefer to live in Mexico, and I do not see how you have any right to withhold money which you, yourself, admit is due them." He said he would be glad to have that tribe come into court if they thought they had rights, and he would like to see a suit brought to determine the question.

I also, in the same connection, ask to have inserted next to the last paragraph on page — of the Appendix and the part of the statement

made by ex-Senator Pettigrew, formerly chairman of the Indian Committee of the Senate. This paragraph is offered to show the attitude of the chairman of the committee and the disposition of the Kickapoos in relation to Mexico prior to my official connection with them.

The matter referred to is as follows:

Mr. PETTIGREW. At the time I speak of, when taking up the matter of these Indians, I looked up Mr. Bentley. These Kickapoos, up to that time, had never done anything. He was appointed special agent and had charge of them. He had succeeded in gaining their confidence and had got them to take allotments and begin to do something in the way of settling down.

I have come here, Mr. Chairman and gentlemen, at the request of Senator Teller, who asked me last evening if I would come before the committee and make a statement with regard to the matter of these Kickapoo Indians, as I had, some years ago, while chairman of this committee, looked somewhat into their affairs.

These Kickapoos came here represented by Mr. Bentley. He interested me to the extent of looking him up and looking up the Kickapoos. I found from their history that they had been Mexican Indians, having gone to Mexico in 1824 and having been brought back to the United States and to the Indian Territory when Texas was admitted to the Union.

When the civil war broke out they went back to Mexico. All other Indians joined the Confederate forces, but the Kickapoos went to old Mexico.

After the civil war they made continuous raids upon American territory killing people and carrying away property, and finally the Government sent troops and brought them by force to the Indian Territory. That was in 1874.

These Kickapoo Indians have never been satisfied here. When the matter of these people came before us, sometime in the nineties, they refused to do anything that the Government wanted them to do. They would not take lands, nor would they take the money in the Treasury that belonged to them, and they insisted that they would not have allotments. One, I think, of the Indians themselves, who were here (and I met one of them in Washington the other day, who was here then), said that they would not take this money in the Treasury because it was land money, and that they never had agreed to sell their land and yet the Government had taken it away from them; that they considered that money to be sacred money, and that they wanted it to buy land with, if they were to take it. I then tied the money up in the Treasury, providing that they should have the interest on it, and not the principal. That was what they wanted. Afterwards they came before the committee and said that they wanted to go to Mexico, that they talked the Mexican language, the Indian language, and that they preferred to live in Mexico.

After talking with those Indians somewhat, I made up my mind that the best thing for them to do was to go to Mexico, and I advised them to do so, and I told them that if I were here when they were ready to go, I would do all I could to help them get the money that was in the Treasury of the United States belonging to them, to help them to get a start in Mexico, and that it would be best for them to become citizens of Mexico if they wanted to do so. The Indian that is here now remembered that, and when I was here about two weeks ago he came to where I was stopping and called my attention to it and wanted me to help him if I could. However, I decided not to bore the committee with my statement, until Senator Teller came to me and made this request.

As will be seen from the paragraphs quoted from official correspondence between the departments of the Government, the officials unfortunately who are charged with the duty of administering the affairs of the Indians seem to have had no knowledge of law or of equity. The idea suggested by the Commissioner is preposterous. It is a sad reflection on those who are charged with the administration of the affairs of the Indians and of the public that they appear to be so grossly ignorant that they would suggest the real estate of a citizen of the United States should be confiscated simply because he preferred to go beyond the jurisdiction of the United States.

Again, it is unfortunate that those charged with the duty of administering the Indian Bureau should have no knowledge of the Indians. In this connection I desire to assert that the Algonquin race will have perished from the earth and yet the white man will know little of him, will be ignorant of his real nature and his reasons for wishing to remain an Indian.

At 4.40 o'clock p. m. the committee adjourned until December 7, 1907, at 10 o'clock a. m.

WASHINGTON, D. C., *December 7, 1907.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Teller (chairman) and Curtis; also Mr. Allen, representing the Interior Department, and Mr. M. J. Bentley, representing the Mexican Kickapoo Indians.

WALTER S. FIELD, having been first duly sworn, testified as follows:

Senator CURTIS. Please state your name to the committee.

Mr. FIELD. Walter S. Field.

Senator CURTIS. What is your profession?

Mr. FIELD. I am an attorney at law.

Senator CURTIS. Where do you practice?

Mr. FIELD. In Washington now; formerly in Oklahoma city.

Senator CURTIS. How long have you been a practicing attorney?

Mr. FIELD. Since 1880.

Senator CURTIS. Are you engaged with Mr. Bentley in the Kicking Kickapoo matters?

Mr. FIELD. I am not in connection with Mr. Bentley; no, sir.

Senator CURTIS. Have you been his attorney in any of the Kicking Kickapoo matters or the attorney for the Kickapoo Indians?

Mr. FIELD. Yes, sir; I have been attorney for the Kickapoos in some of their difficulties.

Senator CURTIS. I will ask you to state to the committee if you were at Muzquiz, Mexico, during the spring and summer of 1906?

Mr. FIELD. Yes, sir; during practically the entire month of June, 1906.

Senator CURTIS. What was your business there at that time?

Mr. FIELD. I was there for the purpose of seeing that the transfers were made by the Kickapoo Indians to Mr. Bentley or the trustees in pursuance of the act of Congress that was just about to be passed, and was passed, on the 21st day of June.

Senator CURTIS. What time did you arrive in Mexico?

Mr. FIELD. I reached Barroteran, the junction point leading to Muzquiz, on the morning of the 1st of June, I think.

Senator CURTIS. For whom were you working at the time?

Mr. FIELD. For the Kickapoos.

Senator CURTIS. Who employed you for that?

Mr. FIELD. Originally?

Senator CURTIS. No, I mean to make that particular trip.

Mr. FIELD. Mr Bentley.

Senator CURTIS. What was to be your pay or what were you paid for it?

Mr. FIELD. I was paid my expenses, I think, and something like \$200 above expenses. The matter was not settled.

Senator CURTIS. Were you there about a month?

Mr. FIELD. Yes, sir.

Senator CURTIS. When you arrived at Muzquiz, who, if anyone, did you see there from Shawnee, Okla.

Mr. FIELD. First at Barroteran I saw Henry Jones and Mr. Thackery. They were coming out of Muzquiz, having left there the night before.

Senator CURTIS. Did you have any conversation with Mr. Thackery?

Mr. FIELD. Yes, sir.

Senator CURTIS. What was it?

Mr. FIELD. He told me they had been to the Indian camp the day previous or the second day previous, and that they had been ordered out by the Mexican Government and by the Kickapoos, and that he was going to Eagle Pass to remain there until there was some change in the situation.

Senator CURTIS. Did he state to you the object of his visit there?

Mr. FIELD. No, sir.

Senator CURTIS. When you arrived in Muzquiz, who did you find there?

Mr. FIELD. Mr. Grimes, Al Brown, Cal Moore, Mr. Outcalt, Mr. Sweeney, Tack Grimes, and Doctor Beatty.

Senator CURTIS. Were either of the Johnsons there—did you see Russell Johnson?

Mr. FIELD. And Russell Johnson, I think that was all.

Senator CURTIS. And Chapman?

Mr. FIELD. No, sir; he came later. Mr. Bentley was there and Mr. Erney went down there with me—the young man who has been spoken of as the clerk.

Senator CURTIS. He was the clerk of the Kickapoos?

Mr. FIELD. Yes, sir.

Senator CURTIS. He went down there from Shawnee?

Mr. FIELD. He went from here.

Senator CURTIS. State if you were present at any time when these men or either of them visited the Indian camp?

Mr. FIELD. I went to the camp the night I reached Muzquiz and remained there, with a visit possibly every other day to the town of Muzquiz, until Mr. Bentley's arrest. During the time I was at the camp, from the 1st day of June until about the 24th, with the exception of four or five days the first of June, these people or some of them were in the camp practically all the time.

The CHAIRMAN. Who do you mean by "these people?"

Mr. FIELD. These people, or some of them—Brown, Grimes, and that combination.

Senator CURTIS. And Chapman afterwards appeared, did he?

Mr. FIELD. Chapman came about the 15th of June.

Senator CURTIS. What was their treatment of the Indians?

Mr. FIELD. They seemed to depend almost entirely upon the use of liquor.

Senator CURTIS. What kind of liquor?

Mr. FIELD. It looked like mescal. It was put up in mescal bottles; it is a bottle about the shape of a beer bottle, some holding quarts and some holding pints.

Senator CURTIS. What was the state of the Indians usually there?

Mr. FIELD. All the young men that Mr. Bentley has denominated the "renegade element" were constantly drunk, almost continuously so, up until they took out, on or about the 12th of June, I should say, to Eagle Pass, I think 13 people. It had been impossible to sleep at nights on account of the singing, carousing, and shouting in the brush in the neighborhood of the camp, and these people left about the 12th or 13th of June, taking with them these younger men and the drinking people. After this it was perfectly quiet and peaceable until they returned.

Senator CURTIS. What was the condition of those Indians that day they took them out, if you saw them?

Mr. FIELD. They were drunk, I think; all that they took were drunk. Homer Anderson went with them to town. He was sober, and one other Indian, I think. They both got away from them at the city of Muzquiz, and did not go with them to Eagle Pass.

Senator CURTIS. Were you at Barroteran at any time when there was any trouble with the Indians and the Grimes-Conine people?

Mr. FIELD. No, sir.

Senator CURTIS. Were you at any of those railroad stations at any time when they were taking a party of Indians over to Eagle Pass?

Mr. FIELD. I was at Sabinas.

Senator CURTIS. State what occurred there, and when it was?

Mr. FIELD. I was at Sabinas, I think, on the night of July 6th when Okemah and that party of Indians were undertaking to board the train. I came in on the train running toward the South, the south bound train, it stops there for supper. As I stepped off the train I met at the foot of the steps Mr. Outcalt. I spoke to him, saying, "Good evening, George." He said, "How are you, Walter," or something of that kind, and said, "You see we are taking them back."

Senator CURTIS. Who did he mean by "them"?

Mr. FIELD. He was referring to the Indians. Okemah was at the head of the company—I should say something like 15 or 16 of them, men, women, and children. I started to talk to Okemah and ask him what the matter was. Mr. Outcalt stepped up to a policeman—a sergeant of police from Muzquiz—and said something to him. The sergeant took me by the shoulder and turned me around and told me in Spanish that I must not talk to them. Mr. Outcalt then stepped on to the train and the policeman hustled the Indians aboard and into a third-class car. I stepped over to the opposite side, away from the platform, and finished my conversation with Okemah through the window, and also spoke with Annie Pecan, who was in the company. Okemah wanted some money; he said he had nothing, and I knew the Mexicans would not furnish him with anything to eat. He was afraid they were going to keep him in jail. I gave him, I think, \$20, and gave Annie Pecan, if I remember right, \$10. Mr. Conine was there and Al Brown.

Senator CURTIS. Were Mr. Grimes or Mr. Chapman there?

Mr. FIELD. I am not certain whether Grimes or Chapman were present or not. I had intended to go on south, but the Indians told me they had left their teams there and left them without care or feed, and so I stopped off and saw the jefe politico of the town, the presidente of the town, and he agreed to see that their teams were properly cared for until the Indians came for them. I think he stated

that the price would not be more than a dollar Mexican money for the care of each team. Afterwards I understood that they charged them a much higher price; I am not certain, but it seems something like \$3 per day.

Senator CURTIS. State if at any time after these people returned to Shawnee, Okla., you had a talk with Al Brown or any other member of the Grimes or Conine party.

Mr. FIELD. No, sir; it was not after they returned.

Senator CURTIS. Did you have a talk with them down there?

Mr. FIELD. Yes, sir: I had a talk with Al Brown in Eagle Pass, I think, on the 6th or 7th day of July; it was a day or two before I left for home and it was after Mr. Bentley's release and after my return from Sabinas on the 6th. He said that he had been trying to talk to Mr. Bentley, but could not talk to him, but that he thought he and I could talk. I told him all right, go ahead. He said, "It is evident from the way this thing is moving that none of us are going to accomplish anything down here unless some agreement is reached," and he said, "I know what I am talking about. The Mexican authorities are going to put the Kickapoos out beyond the border; unless something is done immediately you people are going to lose out and so are we, and my proposition is that these Indians come out; we will bring out what we can and you bring out what you can, you take one Indian and we will take one; you buy your land at any price you choose and do as you please with the land, and we will do the same, and we will deposit the money that we pay for the Indians' land which we buy in the bank to the credit of any person that you may designate." I said, "How about the price you are willing to pay for these lands?" He said, "We will fix that. You will have nothing to do with that." I told him it did not look like a very fair proposition, and doubted very much whether Mr. Bentley would consider it seriously, and he said, "I wish you would state it to Mr. Bentley," and that he would like to talk with me the next day. I left there, I think, on the next night and had no further conversation with him.

Senator CURTIS. State what the condition of the Indians was and how they were taken away from the camp the first morning they were taken from the Indian camp in Mexico up to Eagle Pass.

Mr. FIELD. It was reported through the camp the day ahead of this incident that on the next morning there would be eight or ten or as high as fifteen coaches—the story went differently in the village that night—in order to take the Indians to Eagle Pass. The judge of the San Francisco ranch—this man, Alberto Santos—came up to the camp with an extra policeman or two that night and went to Okema's house and stated to him that a good many of the Kickapoos had announced their desire to go to Eagle Pass and that neither Okema nor any of the other members of the council should interfere with their going; that the coaches would be there in the morning to take them. About 9 or 10 o'clock in the evening two coaches came; about 3 o'clock in the morning about five more, and about daylight two or three more. They had evidently prepared to take quite a number. Grimes came with the first coaches in the evening—Grimes, Brown, Conine, and Cal Moore; I am not certain whether Johnson was there, but I think not; I think he was at Eagle Pass at that time. Tack Grimes I am not quite certain about. They came

with a good supply of mescal and unloaded it in front of Mack Johnson's house and went out in the chaparral brush and had a regular drinking bout that lasted that entire night. There were around the camp some young men and some young women from the Naciemiento colony. None of the women of the Oklahoma Kickapoos would take part in these carousals, but they had five to six of the Naciemiento women—young women—with them that they had kept down there all the time, and carried them back and forth in their various trips to and from Eagle Pass. In the morning these young men who had been brought down by Grimes were all drunk, some of them so drunk that they could scarcely move; two or three of the old men, such as Chah-ko-sat and Ah-nes-she-nen-ne, were very drunk. Along in the morning Rachael Kirk was about there sober, but by 7 or 8 o'clock she was drunk.

Senator CURTIS. She is a Kickapoo, is she?

Mr. FIELD. Yes, sir; she is an Oklahoma Kickapoo. I should say about 8 o'clock they began loading them up; they had been running from house to house since daylight, trying to induce the Indians to go with them, but the old men of the camp held them back. Finally, about 8 o'clock, the judge of the San Francisco Ranch rode up with two or three policemen, all armed, and the judge called the Indians together and told them he wanted them to stop their interfering with those people; that they were at perfect liberty to go when they pleased and where they pleased, and he did not want another word said. Mr. Conine and Mr. Grimes were around there actively taking hold of the different Indians, and finally they got one or two of the more drunken ones into the coaches, and then the rest came and they loaded in, I think, 11 in all. They took one coach and went after Will Murdock's mother, he going with them. She did not want to go, but they loaded her in. She was not drunk, I think, or she did not have that appearance, and they loaded her in, and Murdock got into the same rig and Grimes also. Her husband was drunk and he got in. They came back and loaded Rachael Kirk in and drove out of camp.

Senator CURTIS. Who by that time was drunk, was she?

Mr. FIELD. Yes, sir; she was drunk. When they came back to camp nearly a week later they were drunk. A fellow by the name of John Snake who had just returned from Carlisle to Oklahoma—I think I am wrong, I do not think he stopped in Oklahoma; I think he went directly through to Muzquiz, came back, having deeded one tract of land. He had a Winchester rifle, a belt full of cartridges and a 44 Colt revolver, a pair of high-topped bright leather boots, a new suit of clothes, and a suit case. The suit case had whisky in it and one or two silk shirts. He announced to Wa-pe-che-ka when he came back that he had come to take control of the Indian camp; that he and Conine were in charge. He was a boy I should say about 19 or 20, and possibly half-witted.

Senator CURTIS. They got a deed for his land, did they?

Mr. FIELD. Yes, sir.

Senator CURTIS. What is his name?

Mr. FIELD. John Snake, as he is ordinarily known; I do not know any other name.

Senator CURTIS. Are you sure he was not 21?



Mr. FIELD. No, sir. I am not certain, but he looks as if he was 19 and talks as if he was possibly 13. A few days ahead of that time Mr. Grimes and Mr. Outcalt came to the camp one evening or one night. I tell this simply to show the attitude of the Kickapoo Indians toward these people at that time. I think this was about the 8th or 9th of June. I was asleep in a lumber wagon outside of Okema's tepee. It was right next to or in the same neighborhood of Mack Johnson's place where these people made their headquarters. Along in the middle of the night Johnny Mine came and said that Outcalt and Grimes were at Mack's tepee; that he had been having a fight with them, meaning a quarrel; that he had ordered them out of camp, etc. Johnny was perfectly sober. He said: "Now, I have no family: I am not worth anything; I am no good." He had a knife about that long [indicating]. He said: "I am going over there ——" (witness made a motion as if stabbing a man).

Senator CURTIS. He meant he would stab them?

Mr. FIELD. That would be the end of them. I said: "John, you go back and lie down." He went back, and in a few minutes out came Okema and said: "What did John say?" I told him, and he said: "John no good; maybe me fix him." I said: "No, Okema, you lie down." He laid down under the wagon and stayed there until morning, and I think it was about 5 o'clock, possibly, or not quite that late, and he came and wanted to know if I supposed those people would take them back to Oklahoma. I told him I thought not. He said: "Well, once about two years ago Dixon came," he said. "I told Bentley then that if they were going to take me back to Oklahoma that I would take my little girls and tie them in a sack and take them down and put them in the river and drown them."

Senator CURTIS. Did you have any trouble with those two men that night, or did the Indians have any further trouble?

Mr. FIELD. No, sir; they were gone by daylight.

Senator CURTIS. Now, you were around the camp nearly all the time, were you?

Mr. FIELD. Yes, sir.

Senator CURTIS. I will ask you to state what was the real feeling of the Indians with reference to selling their land?

Mr. FIELD. I do not think there was an Indian in that camp, not even one who was brought from Oklahoma by Grimes, who, left to himself, would ever have sold a foot of land to Grimes or any of that combination.

Senator CURTIS. Either to Bentley or to anybody else?

Mr. FIELD. No, sir; I think every one of them would have put their land into the pool, but they would not have sold to Bentley or me or anybody else.

Senator CURTIS. You know, as attorney for those people, that they did not think they were selling their land to Bentley when they made deeds?

Mr. FIELD. No, sir; they knew they were not.

Senator CURTIS. Their idea was simply that they were putting their land into a pool to exchange for land in Mexico?

Mr. FIELD. Yes, sir.

Senator CURTIS. Is it not a fact that if these Indians had thought that Mr. Bentley was trying to get an absolute deed from them, or any other white man was trying to get a title from them, they would

have declined, while they were sober and understood what they were doing, to have signed any paper?

Mr. FIELD. Yes, sir.

Senator CURTIS. You were not there when any of the Indians were taken to Guajardo's house?

Mr. FIELD. No, sir.

Senator CURTIS. State if you were there at any time when they took out any Indians to Eagle Pass, or Outcalt took them to Eagle Pass for the purpose of signing deeds.

Mr. FIELD. They took, at a later day, three or four, or possibly half a dozen, of the people whom they had out the first time, and it is barely possible they took nearly all of those they took the first time. It seems they were unable to get deeds from all of them, and also when they got up there they did not have an allotment roll, or something of that kind, consequently they had to bring them back and take them out again. They had a fellow with them by the name of Pah-pa-she, who, I think, they had failed entirely to get any deed from, and one or two others. They would not go out alone, and, I think, they took practically the entire company.

Senator CURTIS. How long did they keep them that time?

Mr. FIELD. I think about two or three days.

Senator CURTIS. What was the condition of those Indians at that time when they left?

Mr. FIELD. They were drunk, and in fact I do not think that company of 12 Indians were voluntarily sober at any time from the time that Grimes and those people struck that camp until they finally got their deeds.

Senator CURTIS. Did you see that man Murdock there, who the Grimes people took down as interpreter?

Mr. FIELD. Henry Murdock? Yes, sir; he was there the first day I got there.

Senator CURTIS. What was his condition?

Mr. FIELD. He was drunk and insulting and wanted to fight; he was abusive in the extreme.

Senator CURTIS. I am asking you if he was armed?

Mr. FIELD. Yes, sir; they were every one armed—that is, all those boys that Grimes was dealing with.

Senator CURTIS. Did this Murdock boy pretend to be an officer of any kind for the Mexican Government, a deputy or policeman?

Mr. FIELD. I do not know that he claimed to be an officer or deputy, but he was making some very loud threats.

Senator CURTIS. He has a brother; did he afterwards appear as an officer?

Mr. FIELD. Yes, sir; he appeared as an officer at the time Conine and those people were taking these people out of camp.

Senator CURTIS. You heard the mother of these Murdock boys say that it was not her intention to sell her land?

Mr. FIELD. Yes, sir; I heard her say it at the camp two or three times prior to that raid that she had no intention whatever of selling her land. She came in and signed the roll that Bentley was preparing; she wanted to stay with the people, and she wanted protection because the Grimes people were after her and she was afraid that they would work in some way to steal her name, as she put it.

Senator CURTIS. Now as to this second time; you say the Indians were drinking then?

Mr. FIELD. Yes, sir.

Senator CURTIS. And they were away about four days?

Mr. FIELD. Yes, sir.

Senator CURTIS. When did they come back and what was their condition?

Mr. FIELD. The same; it was constantly the same.

Senator CURTIS. Were you there when the man came back who had sold his land for \$1,700 and the money was stolen from him the same night?

Mr. FIELD. Yes, sir; that was Ah-ten-y-tuck. I do not remember the amount, but I remember the boy or young man. He came in at night.

Senator CURTIS. Who came back to camp with him, if you know?

Mr. FIELD. I think it was Al Brown.

Senator CURTIS. And Cal Moore.

Mr. FIELD. Yes, sir; and possibly Conine came to the camp, but I do not think Conine stayed there.

Senator CURTIS. You knew the next morning that the young man's money was missing?

Mr. FIELD. Yes, sir; he came to Mr. Bentley and myself. I think Mr. Bentley was there, and said, I think his statement was that he brought back \$900 and put it in his trunk, or under his head, I am not certain which, and when he woke up in the morning it was gone. He had not slept that night at his own place where he usually slept. He was drunk when he came into the camp. It appears that they had stopped one day at Barroteran and had been gambling and drinking at a very disreputable resort.

Senator CURTIS. Were you there when any other Indians were taken over?

Mr. FIELD. I think not.

Senator CURTIS. Mr. Allen was not present when the evidence was taken while the committee was away, and you want to explain now to the committee what you mean by the Bentley roll that Mrs. Murdock was signing?

Mr. FIELD. The roll was taken of those Indians who desired to remain in Mexico, and put their land into a pool for the purpose of acquiring new land in Mexico. Every Indian in the camp signed that roll, and signed it voluntarily; some wanted to sign whom the Indians would not permit to do so.

Senator CURTIS. You say you were acting all the time as attorney for these Indians?

Mr. FIELD. Yes, sir.

Senator CURTIS. Did you have any employment for those Indians other than that given you by Mr. Bentley?

Mr. FIELD. At the request of the Indians years ago I had been acting for them.

Senator CURTIS. What do you mean by years ago?

Mr. FIELD. About 17 years ago.

Senator CURTIS. Had you been acting for those Indians more or less for 17 years?

Mr. FIELD. Yes, sir.

Senator CURTIS. Since Mr. Bentley has been with them, I mean, acting as their agent or special agent for the Government, is it not a fact that he has paid you your fees?

Mr. FIELD. No, sir; Mr. Bentley, while he was special agent for the Government, never paid me a dollar.

Senator CURTIS. Has he paid you any since that time?

Mr. FIELD. On that one trip to Mexico and another trip he paid my expenses.

Senator CURTIS. Did you understand he did that for himself or for the Indians?

Mr. FIELD. For the Indians.

The CHAIRMAN. Who paid the balance?

Mr. FIELD. I paid it.

The CHAIRMAN. Yourself?

Mr. FIELD. Yes, sir; he was hard up at the time; money was close.

The CHAIRMAN. That is, Bentley?

Mr. FIELD. Yes, sir.

Senator CURTIS. You have been associated pretty closely with Mr. Bentley ever since he was agent, have you not?

Mr. FIELD. Yes, sir; in this way; because of our having, I suppose, practically the same kind of ideas for these Indians.

Senator CURTIS. You assisted him in securing the removal of the restriction on the first seven allotments as provided in the amendment that was put in the Senate bill?

Mr. FIELD. Yes, sir; I did what I could.

Senator CURTIS. Who were you working for then?

Mr. FIELD. The Kickapoos.

Senator CURTIS. You were under their employ?

Mr. FIELD. Yes, sir.

Senator CURTIS. Were you paid for your work at that time?

Mr. FIELD. No, sir.

Senator CURTIS. You never have been paid for it?

Mr. FIELD. No, sir.

Senator CURTIS. Now, was it not your object and that of Mr. Bentley, when you secured the removal of the restrictions to remove those Indians or get them in Mexico—I understand they were already there?

Mr. FIELD. Yes, sir. The object was to permit them to stay in Mexico, or to enable them to stay in Mexico. It had been their desire always to go back and stop there.

Senator CURTIS. Is it not a fact that you and Mr. Bentley both have advised the Indians that it would be better for them to go to Mexico than to stay in the United States?

Mr. FIELD. No, sir; on the contrary, it was the other way.

Senator CURTIS. As to yourself or Mr. Bentley?

Mr. FIELD. As to both up until about the time that they moved.

Senator CURTIS. When was that?

Mr. FIELD. I think it was about four years ago.

Senator CURTIS. And that is the time that the Indians meant, who were examined in Eagle Pass, Texas, and Douglas, Arizona, when they said they went four years ago?

Mr. FIELD. Yes, sir.

Senator CURTIS. Why did you advise them to go to Mexico then?

Mr. FIELD. I never advised them to go to Mexico.

Senator CURTIS. Why did Mr. Bentley?

Mr. FIELD. The conditions got so in Oklahoma that it was apparently impossible for them to stay there any longer.

Senator CURTIS. What was your understanding with Mr. Bentley or the Indians as to the amount of pay you should have out of these seven allotments?

Mr. FIELD. Nothing at all—that is, no understanding at all.

Senator CURTIS. You expected to get pay, did you not?

Mr. FIELD. I expected to get pay when the matter was finally settled up for them if they had enough left to pay me.

Senator CURTIS. You know those seven allotments were worth seventy-five to one hundred thousand dollars, do you not?

Mr. FIELD. Yes, sir; but at that time the intention was to purchase the Pedro Blanco Ranch, and it would have taken \$60,000 to 75,000 to make the cash payment.

Senator CURTIS. Mexican or gold?

Mr. FIELD. Gold; to make a sufficient payment on the ranch to secure it.

Senator CURTIS. Would it not have been dangerous to have bought that land for them if they only had property worth \$75,000 to \$100,000.

Mr. FIELD. I think not, because there were cattle enough on the ranch that could have been sold to have practically or very nearly paid the ranch out.

Senator CURTIS. You aided and assisted in getting the items that were attached on the Senate side to the appropriation bill in 1906, did you not, that afterwards became a law on the 21st of June, 1906?

Mr. FIELD. I do not think I had much to do with that. I appeared before the committee and told what I knew of the situation, but outside of that I do not know—

Senator CURTIS. Was it not your intention to get the Indians to Mexico when that item was put in there?

Mr. FIELD. No, sir; when that item was put in there it was aimed at these Kickapoos who were there in Mexico and those who were left behind belonging to the same families, relatives. A few Caddos and Shawnees and Delawares, who had been in Mexico off and on for the last ten years, were also included.

Senator CURTIS. Who paid for your services during that time—during 1906?

Mr. FIELD. In this matter of securing the legislation?

Senator CURTIS. Yes, sir.

Mr. FIELD. There has been no pay.

Senator CURTIS. At whose request did you stay here and appear before the committee, Mr. Bentley's or the Indians?

Mr. FIELD. I live here.

Senator CURTIS. You know what I mean; at whose request did you take an interest in it and appear before the committee?

Mr. FIELD. It was both at the request of Mr. Bentley and at the request of the Kickapoos. I was in constant communication with Wah-pe-che-qua, Okemah, and two or three others.

Senator CURTIS. Have you any deeds for any of this property?

Mr. FIELD. No, sir.

Senator CURTIS. How much of the land do you expect to get, if any?

Mr. FIELD. None at all.

Senator CURTIS. Then you were working wholly for a financial payment that you expected to be made to you later on?

Mr. FIELD. Yes, sir; and from the desire to accomplish the purpose that was originally started by the Indians.

Senator CURTIS. I understood you to say a minute ago that you and Mr. Bentley were in perfect accord with reference to your opinions as to these Indians in Mexico. Is that right?

Mr. FIELD. Yes, sir; I think so.

Senator CURTIS. You have no deeds, nor has any member of your family any deed to the lands?

Mr. FIELD. No, sir; not at all.

Senator CURTIS. Have you ever taken a deed from these Indians?

Mr. FIELD. I never have.

Senator CURTIS. An unrecorded deed?

Mr. FIELD. No, sir; I never have.

The CHAIRMAN. Mr. Field, how long have you known these Indians?

Mr. FIELD. Since the fall of 1889.

The CHAIRMAN. State what your opportunities of observation have been with reference to their character, wants, etc.

Mr. FIELD. Well, immediately after I went to Oklahoma I hunted and fished considerable, and did so on their reservation.

The CHAIRMAN. Did you live in Oklahoma?

Mr. FIELD. Yes, sir.

The CHAIRMAN. How many years?

Mr. FIELD. I went there in the spring of the opening and remained there with my family until eight years ago.

The CHAIRMAN. State what opportunities you had to observe these people.

Mr. FIELD. At the opening of the Sac and Fox Reservation I took a homestead on the east line of the Sac and Fox country, next to the Creek line. In traveling to and from that I passed through the Kickapoo Reservation. I went out each week, usually leaving Oklahoma City Friday night and returning on Monday morning, and I invariably camped in the Kickapoo country every night going and every night returning, and I always saw the Indians. I camped near their village.

The CHAIRMAN. When did you first commence looking after their interests as their attorney or otherwise? Was it while you lived down there?

Mr. FIELD. Yes, sir; in 1891, immediately after the attempt to make that treaty; immediately after the council I think it was—well, no, I would say a little after; it was in the fall after the council was held at Wellston.

The CHAIRMAN. The Jerome Council, as it is sometimes called?

Mr. FIELD. Yes, sir. The first real acquaintance I had with them was about that time. I was present at the council at Wellston.

The CHAIRMAN. How did you come to be at the council?

Mr. FIELD. I was hunting at that time with a nephew of mine, and I had my two or three little children and, I think, a man by the name of Warren with me. We stopped there. The Indian council

was a curiosity to us and we stopped to see it. The Indians at that time were represented by the blind chief, who did practically all the talking—Wah-pah-ma-sha-wah. The making of the treaty was very strongly opposed, and finally they voted. They drew a line on the ground and those who voted for it were to go on the west side of the line, and those who voted against it were to stay on the east side of the line. Kickapoo Johnson, as he was known—I think he was a Pottawatomie, or half-breed, and his two boys voted for the treaty. I think Joe Whipple attempted to vote, but they would not let him, because he was not a member of the tribe, at least they contended he was not. He finally did not vote, and the council adjourned with the result that the treaty was defeated.

The CHAIRMAN. Were those two men the only men who voted for the treaty?

Mr. FIELD. Yes, sir.

The CHAIRMAN. All the rest voted the other way, did they?

Mr. FIELD. Yes, sir. I next visited the Kickapoos at a council in about 1892, which was after the treaty had been ratified. At that time they were all stirred up over the proposition of allotment. Moses Neal had come there to allot them, and in that council I think every male adult Kickapoo was present with the exception of nine or ten, who were known at that time as the progressive element. These nine or ten stood by the treaty and were accepting allotments. Afterwards, when the payment of money came, they succeeded in getting a greater number to take the money. Noten was one of those. Noten was known as a kicker, but he took his money later and became a progressive, and I think three or four others, possibly five or six, who were at that council. The burden of the talk of the Kickapoos at that time was going to Mexico. They were going to go at once at that time. They said they were going to saddle their ponies and strike right out without waiting for anything. They had been through Texas, and knew the country, and were going again. I persuaded them they ought not to do so; they had only recently been brought back. That they had not accepted allotment, and if they started out to cross the country the troops would be upon them and there would be difficulty. They finally consented to remain, and did remain. Later, after the allotments were made and about the time the country was opened to settlement, a lot of school land was taken by the State or by the Territory. The place where they were located was on Deep Fork, and they had gone there the time of the allotment, all of them, and left their fields on the North Fork. The land was selected as school land. It had been leased to some cattlemen, and they were very anxious to get possession. The governor of the Territory had called upon the Secretary of the Interior to deliver possession and get the Indians off. A request at that time had either been made or was about to be made for troops to be sent from Fort Reno to put them off. I met the governor one day in Guthrie, and he asked me if I could not go out there in order to avoid the difficulty and see if they would not move: I went over, and they said they would not move unless they could get an agent of their own. Arrangements were made, and a delegation came here to Washington. They finally got to President Cleveland after considerable difficulty. They were not well received by the Indian Office on account of their attitude; they were known as Kickers, and

they were the hardest kickers then in the United States. Assistant Commissioner Smith, it seemed at that time, was the dominating factor, and he had been in Guthrie years before.

The CHAIRMAN. Who was the Commissioner?

Mr. FIELD. Browning. Smith had known these Indians and evidently had no love for them. The result was that they were practically ordered out of the Indian Office. Mr. Beveridge, who kept a boarding place, was instructed practically to put them into the street and not to furnish them anything. They went to President Cleveland, at the White House, and the private secretary told them the President was too busy to see them. One of the Kickapoos, a persistent man, an uncle of Johnny Mine and Okema, said in reply, "You go back and tell the President that we were here first." The secretary said, "Why, that will make him very angry, and he will tell me to turn you fellows out of the house." The old man said, "We will take our chances; you go in and tell him that we are red men and we were here first." The secretary went inside and came out in a very short space of time and said, "Walk in." They went in and told the President their troubles, and told him practically that they would go on their allotments if Mr. Bentley was appointed their agent. Mr. Bentley was appointed after some difficulty.

The CHAIRMAN. Where was the difficulty?

Mr. FIELD. The difficulty was at the Indian Office. They contended there was no authority for such an appointment, but the President seemed to think that the circumstances demanded something extraordinary, and he finally directed the appointment after a delay of two or three weeks. During the entire time I have known the Kickapoos they have been constantly discussing the Mexican movement. Years ago, after Mr. Bentley was first appointed, he and I discussed the situation and he maintained, possibly more strongly than I did, that it would be a great deal better for them to remain in the United States. He went down and saw Mexico at one time and came back and told them that it was a desert, that they could not live there, and I think he gave the Mexican country as black an eye as anybody could. They simply laughed at him and told him they knew all about it, that the part of the country he had seen was a desert, but they knew that there was also a good country there. He finally succeeded in getting them to go on their allotments, and I think that he had the idea for several years that he was going to be able to work them out of their desire to go to Mexico; but finally Pah-ko-tah got into trouble, Okema's wife's father died in Mexico, the white people began to steal their mules, they were arrested and put into jail for nothing, and they got up and left.

The CHAIRMAN. I want to know if you understand the reason why the Kickapoo Indians so steadily insisted that they would not take allotments; what is it that governs them and what is their idea about it? I think I know, but I would like you to state.

Mr. FIELD. A Cheyenne Indian told me once: "If we are allotted we get each one of us a little piece of land. Our hope is to increase in numbers and if we increase then everyone of the people born will be a pauper. We can not raise any more children after we have been allotted, for our children can not get any more land. We have got to die off to make our people rich, and we do not want to die."



That was a Cheyenne's analysis of the allotment proposition. The real reason probably of the majority of the Indians is their religious ideas, that the land and the water and the air belong to the Great Spirit, and that if they cut it up a curse will fall upon them. They point to the rapid decrease of the several tribes who have been allotted, who have adopted the white man's ways, as a proof of their belief. The Kickapoos, for instance, said: "When we were brought up from Mexico we were more than 400; we are now 200. The people who were left behind in Mexico and permitted to follow the old way were 200; they are now 600;" and no other argument can be produced to combat that kind of a statement of the facts.

The CHAIRMAN. Is it not a fact, Mr. Field, that they regard it as sacrilegious to cut up the land into small pieces?

Mr. FIELD. Yes, sir.

The CHAIRMAN. I have heard an Indian say more than once that "The earth is my mother; I could not divide my mother."

Mr. FIELD. Yes, sir; there is one circumstance at Muzquiz I would like to call to the attention of the committee to. The night Mr. Bentley was released from jail, and, by the way, Mr. Guajardo said he never knew of his being in jail—

The CHAIRMAN. Yes, he said so.

Mr. FIELD. Before I go on with the circumstance I was about to relate, I will say that Mr. Guajardo was constantly at the city hall—that is, the same building the jail is in—and that I was present at two or three conversations between him and Mr. Bentley, while Mr. Bentley was in jail. I talked with Guajardo myself on the street and asked him why he was there the first night after his arrest, and Mr. Guajardo replied that he had caused his arrest at Mr. Outcalt's request, and that he did not know the reason of it; that he was detaining him until Mr. Outcalt came in; that he expected him the next day. The evening that Mr. Bentley was arrested two or three coaches prepared to go to the Indian camp—I mean the evening he was dismissed two or three coaches prepared to go to the Indian camp. They were standing in front of the saloon over which Mr. Outcalt had his room—it has been called a hotel. Mr. Grimes, I think, and one of the employees of the saloon came out each with an armful of mescal bottles, not three or four, but piled up as a man would stack up stove wood on his arm. I would say that each man had two dozen bottles. They put them into the coach under the seat. Chapman was in one seat of the front coach, on the right-hand side, and Mr. Grimes picked up an Indian woman, with a little assistance from Conine, and actually threw her into the seat, right over on top of Chapman.

Senator CURTIS. That was Rachael Kirk, was it not?

Mr. FIELD. I am not certain whether it was Rachael Kirk or a woman who was with them very frequently; I do not know her name. The man who was going to drive got up beside them, I am not certain whether that was Cal Moore or Grimes. Standing on the corner right next to the coach was Mr. Outcalt. Mr. Brown was there, and practically the whole company of white men. On the other side of the street stood Mrs. Bentley, Mr. and Mrs. Ikenberry, a man by the name of Harris, from Chicago, a traveling man, myself, and a number of Mexicans. The gentleman from Chicago

made a very strong statement as to the situation; he said, as near as I can recollect it, with two or three oaths, that he would never again, in a foreign country or elsewhere, boast that he was an American citizen, unless the United States authorities righted this outrage.

Senator CURTIS. Was Mr. Ikenberry one of the men who testified here?

Mr. FIELD. Yes, sir; he testified at Shawnee. The Mexicans, one of them, spoke up in Spanish and said, "And is this the boasted protection of the American Government to its citizens?" As a consequence, at that time at Muzquiz, along the railroad between there and Eagle Pass, and in fact down to Monclova and at Monclova, wherever an Indian appeared on the street you would hear some slurring remark about the United States and its treatment of the Indians. The situation of affairs there, in fact, made the United States a laughing stock among the Mexicans, because it was known universally that a quarrel had grown up between two Departments of the United States Government; it was so stated by Guajardo in a conversation with Mr. Bentley and myself, and with that quarrel he said he had nothing to do.

The CHAIRMAN. What did he mean by that?

Mr. FIELD. It meant that he had read the Congressional Record. He said it was apparent that the Senate and Congress intended Mr. Bentley to do just what he was attempting to do, but, on the contrary, the Department that had control of the Indians apparently seemed to be opposed to that policy and that officers had been sent there. They had come to him with their credentials and he was acting under their instructions. He all the time put the blame for all of his actions and all the persecution by the police officers of the Kickapoos upon the United States, saying he was doing it at the request—

The CHAIRMAN. At whose request?

Mr. FIELD. At the request of the officials of the United States Government. At the time of the trial of Mr. Bentley in Muzquiz, Grimes, Mr. Brown, and Mr. Conine, and all those people were admitted freely to the court room; they went in and out constantly with Mr. Outcalt; they went and came together and were consulting together constantly, but friends of Mr. Bentley, or any person connected with him in any manner, or any one of the Indians other than the five or six known to be Grimes's men could not pass the door.

The CHAIRMAN. They could not go in?

Mr. FIELD. No, sir; they could not go in at all. The statement has been made before the committee that these Americans all mingled on the plaza during this time. The jail fronted the plaza and I have no recollection whatever during the time Mr. Bentley was in jail of ever having seen one of the Grimes people or Mr. Outcalt in the plaza during the daytime. The seats in the plaza during the entire time were occupied principally by the Kickapoos and by those white people who were entirely independent of the Grimes clique—the old-timers who were there, cow men and miners sat there on these seats. The Kickapoos would come in the morning and stay all day; some of them would remain in town over night. There was no mingling of the white people either of those connected with Bentley or those

who had been in Mexico for years with the Grimes people with the sole exception of one man—Al Noble.

Senator CURTIS. Do you know anything about the telegraphing by Grimes or any of the others?

Mr. FIELD. On the night that Mr. Bentley was released from jail I went to the telegraph office to send a telegram; I went in company with Mr. Ikenberry. When we went into the office Mr. Grimes and Mr. Outcalt were there, busily engaged in drawing a telegram; they were so engrossed with it that they did not notice that we came in. We wrote our telegram and went out without their ever having raised their heads enough above their paper to see us.

Senator CURTIS. Now, there was nothing very strange about the Outcalt people and the Grimes people being together that night, was there, or Mr. Outcalt being on the street corner? That occurred at the saloon which was under the hotel where he boarded, did it not?

Mr. FIELD. Yes, sir. I did not think there was anything strange about it; it was in perfect accord with all the incidents that had taken place since the arrival of these people there. They had been in company constantly.

Senator CURTIS. Both parties were trying to get rid of Bentley—that is, he was claiming that Bentley interfered with the getting of depositions and the other fellows claimed that Bentley interfered with their getting deeds?

Mr. FIELD. Yes, sir.

Senator CURTIS. So the object of both was to get rid of Bentley?

Mr. FIELD. Yes, sir. They evidently had a common purpose and it was apparent to everybody that Outcalt made no attempt whatever to make an investigation or to get statements from the Indians; he had ample opportunity at any time. I talked with him in the plaza the first day I was at Muzquiz, or the second, and had frequent talks after that. I went bathing with him while Mr. Bentley was in jail, and talked with him frequently. I told him that the deeds and all the transfers and papers were in the Border National Bank at Eagle Pass, and that he was perfectly free to go and examine them at any time; that if he wanted to take the statement of Okema or any other of those people that there would not be the slightest objection to it, but he never made a move of any kind to take the statement of any person during the thirty days I was in Mexico.

Senator CURTIS. He did take some statements in his office, did he not?

Mr. FIELD. Yes, sir; of Mack Johnson and those people who were in the employ of Grimes, but not of those seven people.

Senator CURTIS. Did he not claim to have statements from the seven, or four or five of the seven, which he puts in the record? They did not sign then?

Mr. FIELD. Yes, sir; but he claims they were made about the time those deeds were taken at Guajardo's house and they say they never made them.

Senator CURTIS. Are you sure about that?

Mr. FIELD. Yes, sir; I think his report shows that those were taken about the 15th day of July. The deeds were not taken at Guajardo's house until the 21st or 22d. The 21st or 22d of July, and on the 14th—

Senator CURTIS. He left there for home on the 25th or 26th, did he not?

Mr. FIELD. The 29th. On the 14th day of July the record shows that they had the Indians at Guajardo's house and that he was present at that time, and he claims that that was the place where he made the speech telling them not to sell their land. His report shows that on the 14th or 15th he got statements from those Indians, but that they refused to sign the statements, and from the time he reached there until the time I left there had been no attempt at any investigation, and during the time we were at the camp there was never any objection on the part of Mr. Bentley or on the part of the Kickapoos to going to Muzquiz and making any statement to him that the truth would warrant. The Kickapoos did object to their coming to the camp. The statement from Ah-kis-kuck is dated the same day the deeds were taken, July 21.

Senator CURTIS. Do you wish to ask any questions, Mr. Allen?

Mr. ALLEN. I would like to ask Mr. Field if he ever had any contract with the Kickapoo tribe for services as attorney?

Mr. FIELD. No; I never did, if you mean an approved contract.

Mr. ALLEN. Yes.

Mr. FIELD. No, sir; I never did.

The witness was thereupon excused.

J. H. EVEREST, having been first duly sworn, testified as follows:

Senator CURTIS. State your name to the committee.

Mr. EVEREST. J. H. Everest.

Senator CURTIS. Where do you live?

Mr. EVEREST. Oklahoma city.

Senator CURTIS. How long have you lived in Oklahoma?

Mr. EVEREST. Since May, 1889.

Senator CURTIS. What is your profession?

Mr. EVEREST. Lawyer.

Senator CURTIS. How long have you been practicing law in Oklahoma?

Mr. EVEREST. Since the organic act of May 2, 1890.

Senator CURTIS. Do you know Martin J. Bentley?

Mr. EVEREST. Yes, sir.

Senator CURTIS. How long have you known him?

Mr. EVEREST. I met Mr. Bentley at the time the Sac and Fox country opened, in September, 1891.

Senator CURTIS. You have heard testimony here in reference to the cancellation of certain double allotments to Indians. I wish you would state to the committee how many cases of that kind you have been interested in in Oklahoma.

Mr. EVEREST. Double and erroneous allotments, I should judge I filed all together sixty or seventy cases, and was probably successful in securing cancellation in thirty or forty instances.

Senator CURTIS. How many of those cases were for lands of the Kicking Kickapoos, or the Big Jim band of Shawnees?

Mr. EVEREST. I only recollect three cases or groups of cases involving those bands.

Senator CURTIS. You mean three all told?

Mr. EVEREST. There was a group of cases in which there was several allotments involved. It was an American Shawnee family, I think.

There was the mother and perhaps two or three children who had double allotments, one set at Shawnee and the other at Choctaw city on the Canadian bottom. Those were Kickapoos, I think, and we procured the cancellation of one set of them; that is, I did, through my associates, and then there was the Cowse case which I believe was a Shawnee case.

Senator CURTIS. How many of those cases was Mr. Bentley interested in?

Mr. EVEREST. I do not know what cases he was directly interested in. I did not know until this investigation he had anything to do with the Hampton case, any more than his report indicated as Indian agent. I did not know him personally in any of the cases.

Senator CURTIS. You did not?

Mr. EVEREST. No, sir.

Senator CURTIS. Did you have any conversation with him in reference to either of them?

Mr. EVEREST. I had conversations about some of them; yes, sir: officially, endeavoring to find out what the facts were. Probably I had communications either personally or by letter in nearly all of them, because I applied to his office for information.

Senator CURTIS. Did you divide your fees in those cases with any person?

Mr. EVEREST. I think in nearly every instance I had Washington counsel. Mr. Howe was usually my associate here, and, I think, Cop & Lockwood.

Senator CURTIS. Who recommended Mr. Howe to you?

Mr. EVEREST. Nobody. We practiced together at Kingfisher before the organic act passed, and in Oklahoma City. Then, after he moved here, I chose him on account of my personal relations with him.

Senator CURTIS. And what you knew of him?

Mr. EVEREST. Yes, sir.

Senator CURTIS. Was he ever recommended to you by Mr. Bentley or anyone connected with Mr. Bentley?

Mr. EVEREST. No, sir.

Senator CURTIS. Did you know this man Rodkey?

Mr. EVEREST. Yes, sir.

Senator CURTIS. Were you well acquainted with him?

Mr. EVEREST. Yes, sir.

Senator CURTIS. How long have you known him?

Mr. EVEREST. I can not say that. Some ten or twelve years. I do not remember when I first met him.

Senator CURTIS. Have you been interested with him, or he with you, in any of those cancellation cases, or contest cases?

Mr. EVEREST. I think in one or two instances Mr. Rodkey had something to do with the cases.

Senator CURTIS. What cases were they?

Mr. EVEREST. It occurs to me that in the Claude Davis case that Rodkey had something to do with that, with respect to getting up the outside testimony.

Senator CURTIS. Who made the contract with you in that case, Davis?

Mr. EVEREST. My contract was with Claude Davis, through her father, William Davis. That is my recollection.

Senator CURTIS. What was the contract? That is, I mean how much were they to pay you in case you should secure the cancellation?

Mr. EVEREST. My recollection is that Davis deposited a thousand dollars in some bank in Shawnee, to be paid in the event of the successful cancellation of that entry, and the condition further that his daughter should secure a homestead entry on the land when canceled.

Senator CURTIS. In whose name was that deposit?

Mr. EVEREST. I do not know: I can not tell that. My recollection is that I made that contract myself, and that Mr. Davis and I were the parties, but it might possibly be that it was made in the name of somebody else. I remember I made the contract.

Senator CURTIS. Was it made in Martin J. Bentley's name?

Mr. EVEREST. No, sir.

Senator CURTIS. Was he in any way interested in it?

Mr. EVEREST. No, sir; not until long afterwards, and he was merely hired to look up witnesses after he left his office.

Senator CURTIS. Did he have any interest in that thousand dollars?

Mr. EVEREST. No, sir.

Senator CURTIS. Did you have any contract with him? The money was to be paid to you?

Mr. EVEREST. Yes, sir.

Senator CURTIS. Then, you know whether he had or not?

Mr. EVEREST. No, sir; he had none through me. If he had any it was through somebody else.

Senator CURTIS. Was he to receive any part of that thousand dollars through anybody else?

Mr. EVEREST. No, sir; I think the money was to be distributed. The outside man, I think, was Rodkey, and he was to have a third. I was to have a third and the Washington counsel was to have a third of the thousand dollars, less the expense. The actual expenses would come out first, looking after the witnesses and presenting the testimony.

Senator CURTIS. You say you had no contract with Mr. Bentley about it?

Mr. EVEREST. No, sir.

Senator CURTIS. Did you tell Mr. Davis that Mr. Bentley was interested in it?

Mr. EVEREST. I certainly did not; no, sir.

Senator CURTIS. Did Mr. Rodkey or you together or either of you in the presence of the other talk about Mr. Bentley having an interest in it?

Mr. EVEREST. No, sir.

Senator CURTIS. Did he have any interest in it?

Mr. EVEREST. No, sir; I do not think he had. I think I would know if he had. I had charge of the case until it finally failed.

Senator CURTIS. Did you consult Mr. Bentley about drawing the contracts?

Mr. EVEREST. No, sir; my first consultation with him occurred after he had gone out of office and a hearing had been ordered, and I applied for the testimony of these witnesses whose testimony he had taken while an employee of the Government. There was some witnesses down in San Antonio somewhere.

Senator CURTIS. Did you employ him to secure that testimony for you?

Mr. EVEREST. I talked with him about it, and found out what he knew about it, and recommended to Davis that he be employed.

Senator CURTIS. Was he employed?

Mr. EVEREST. Yes, sir.

Senator CURTIS. How much was paid him?

Mr. EVEREST. I do not know. I have been told \$50. I did not pay the money and do not know.

Senator CURTIS. You told Davis yourself to employ him?

Mr. EVEREST. Yes, sir; I recommended him. I think Mr. Howe did also. I know we recommended him by letter.

Senator CURTIS. Were you interested in the Hampton case?

Mr. EVEREST. It appears from these letters that I received a letter signed by a man named Lynch, who was my office man at the time. At that time I was absent in Colorado but I do not remember when I returned from Colorado. I took up the case and got a retainer of \$50 from Hampton.

Senator CURTIS. Did you give Mr. Bentley any of it?

Mr. EVEREST. No, sir.

Senator CURTIS. Did you receive anything more than the \$50?

Mr. EVEREST. No, sir; we failed to receive the cancellation and I do not know anything about it.

Senator CURTIS. Do you know anything about the contract between Mr. Hampton and Mr. Ives in connection with the \$500 in the bank at Shawnee?

Mr. EVEREST. No, sir; I do not know anything about that. My contract was that Mr. Howe and I should receive \$100 a piece.

Senator CURTIS. I will ask you to state if in any of the contracts you had in which you were employed by parties to cancel illegal allotments, you had connected with you either directly or indirectly Martin J. Bentley?

Mr. EVEREST. No, sir.

Senator CURTIS. Did you pay him any money of any kind or character?

Mr. EVEREST. I never paid him a dollar. The money has always been coming the other way, from Mr. Bentley.

Senator CURTIS. Have you had any understanding with him to divide your fees?

Mr. EVEREST. No, sir; not the money in the cancellation cases.

Senator CURTIS. You said that the money had always been coming the other way; what do you mean by that?

Mr. EVEREST. I have been employed since this Kickapoo land business came up in a number of suits in which the title of Mr. and Mrs. Bentley or Mr. Ives has been attacked by the Chapman-Grimes-Johnson crowd.

Senator CURTIS. That is under this act of June 21, 1906?

Mr. EVEREST. Yes, sir.

Senator CURTIS. You mean, then, by coming the other way that he has employed you and paid you as attorney?

Mr. EVEREST. Yes, sir; I have been paid various fees by him, and one by Mr. Ives.

Senator CURTIS. Did you have any understanding or agreement to divide fees with Mr. Field?

Mr. EVEREST. No, sir; I do not think I ever had any case in which Mr. Field was associated with me. I do not remember any now.

Senator CURTIS. How many cases did Mr. Rodkey assist you in?

Mr. EVEREST. Well, the only two that I remember he had anything to do with were this Davis case, and I am not absolutely clear on that, but I think that was one of the cases, and this Lyle case. I remember that Mr. Rodkey came with Mr. Lyle when he employed me.

Senator CURTIS. What contest was the Lyle controversy over; was that Shawnee or Kickapoo?

Mr. EVEREST. That was Shawnee, and the land that Mr. Bentley afterwards secured a filing on.

Senator CURTIS. You were the attorney in that case, were you?

Mr. EVEREST. I was the attorney of Mr. Lyle up to the time he relinquished. I made up the filing papers when the relinquishment to Mr. Williams was filed.

Senator CURTIS. Did Mr. Bentley pay you anything for your services in that case?

Mr. EVEREST. No, sir; not then. He did pay me for making out Mr. Williams's relinquishment later, Mr. Bentley did.

Senator CURTIS. Did you make out Bentley's filing papers?

Mr. EVEREST. Yes, sir, I think that was done in my office.

Senator CURTIS. When?

Mr. EVEREST. Well, it must have been about 1904.

Senator CURTIS. After his term of office expired.

Mr. EVEREST. Yes, sir; long after his term of office—two or three years.

Senator CURTIS. You say you have done some work for the Bentleys in suits to recover or in defending them in cases brought by what are known as the Grimes people—I will ask you to state if you, by reason of that employment, had been paid deeds to any property?

Mr. EVEREST. No, sir; I think there is a deed standing in my name.

Senator CURTIS. Do you not know that?

Mr. EVEREST. No, sir; I am not sure about what the status of it is; I know that there is one deed made to me and which came about in this way: In August, 1906, I loaned Mr. Bentley \$5,000 to be used in paying for some of this Indian land, that is the use he stated it was to be put to; that he needed money to take care of his Indians and he was getting deeds to his land and when it was sold it could be used in paying this interest. I took his note and a mortgage on a piece of land of 240 acres, and I think he put the deed to another piece in my name. I think that is the way it stands on the record.

Senator CURTIS. Did he sign a deed to you?

Mr. EVEREST. Yes, sir; the deed is among my papers. As I have never bought any of that land I concluded that was the reason it was taken in my name.

Senator CURTIS. Did you ever consult or talk with him about it?

Mr. EVEREST. Yes, sir; I consulted him recently about paying me, but not about that particular feature because I was still secured outside of that.

Senator CURTIS. And you paid nothing for that land that was in your name?

Mr. EVEREST. No, sir; if it is in my name it is merely as security on that note; I have no claim to it whatever.

Senator CURTIS. Have you deeds for more than one tract of land?



Mr. EVEREST. No, sir; just one tract.

Senator CURTIS. How many acres does that cover?

Mr. EVEREST. I think it is 80, but I am not sure.

Senator CURTIS. Do you know whose allotment it is?

Mr. EVEREST. I do not, I paid no attention to it at all and only recollected when you spoke of it because of the fact that I looked through my papers recently.

Senator CURTIS. There have been some tracts taken in your name to set aside allotments?

Mr. EVEREST. Yes, sir; two of them.

Senator CURTIS. Do you remember the names?

Mr. EVEREST. I am wholly unable to give them without my docket.

Mr. BENTLEY. Do you not remember that one was Kah-kah-to-the-quah?

Mr. EVEREST. That sounds like it.

Mr. BENTLEY. And the other is Kah-teh-ho-ho?

Mr. EVEREST. I remember the "ho-ho" part of it; yes, sir. I have written contracts in those two cases to set aside those alleged to have been fraudulent.

Senator CURTIS. Have you brought suits in those cases?

Mr. EVEREST. Yes, sir; in both cases.

Senator CURTIS. What is your agreement in those cases and how much are you to receive?

Mr. EVEREST. I have not those contracts with me; I think in one case a thousand dollars, and I do not remember what it is in the other.

Senator CURTIS. What is the land worth that you have a contract of a thousand dollars in?

Mr. EVEREST. It is represented to me to be worth about \$4,000.

Senator CURTIS. That is a large fee, is it not?

Mr. EVEREST. I think not. It is only contingent.

Senator CURTIS. It is to set aside one of these deeds, is it not?

Mr. EVEREST. Yes, sir.

Senator CURTIS. Do you remember whether it was one of the forged deeds?

Mr. EVEREST. It is alleged to be a forged deed.

Senator CURTIS. Was it one of those five in Mexico?

Mr. EVEREST. Yes, sir; my recollection is that it is a thousand dollars; it may only be \$600.

The CHAIRMAN. Is that the case where the suit is brought in the name of the United States against you and somebody else?

Mr. EVEREST. Yes, sir; that is the case to cancel that contract.

The CHAIRMAN. Are you interested in any other cases that you have mentioned, the two law suits and the one where you have a deed, which, you say, was given you as additional security? Do you claim any interest in the land yourself?

Mr. EVEREST. No, I claim no interest; no, sir.

Senator CURTIS. Are you under contract of employment in any of the law suits?

Mr. EVEREST. I am employed in a number of law suits brought against Ives, Mrs. Bentley, and also in some other suits brought by Chapman and his outfit against the same parties.

Senator CURTIS. You do not mean "outfit?"

Mr. EVEREST. Well, the same parties I mean when I refer to them; there were a dozen of these people who have been buying land down there—that is, associated with Grimes and Chapman.

Senator CURTIS. In the contest or application to set aside double allotments outside of the Kicking Kickapoos and of the Big Jim band of Shawnees, was Mr. Bentley in any way interested with you?

Mr. EVEREST. In no way; no, sir.

Mr. BENTLEY. Have you been employed to represent the Indians in this city in the matter before the Department—the matter of the issuance of patents to the allotments known as the seven?

Mr. EVEREST. I was employed by the Shawnee Townsite Company to secure the issuance of patents to Okemah and Thi-the-qua.

Mr. BENTLEY. It was just in those two cases?

Mr. EVEREST. Just those two. I made application to the Department about eighteen months ago, and I received assurance that my application would be taken up and at once acted upon, but it has never been acted upon in any way.

Senator CURTIS. It is still pending, is it?

Mr. EVEREST. Yes, sir; it is still pending, and the latest information was that when the Senate committee finish their investigation the Department would then act.

Mr. BENTLEY. That was some time ago, was it not, when you were employed first?

Mr. EVEREST. I was employed eighteen months ago, and filed my application. I took the matter up with Assistant Attorney-General Campbell, Mr. Proudfit, and the Commissioner of the General Land Office. I also went to see Mr. Larrabee and Mr. Leupp about it. My contention was that my clients were all purchasers for value and the act of Congress was a grant in present; it was purely ministerial and he had no judicial discretion in it and the patent should at once issue, and I was advised at that time that an opinion would be secured from the Attorney-General, and if it was favorable to the issuance of the patent they would at once issue it, that is, if they thought my position was correct legally. But the Department had no discretion in it; it was merely a ministerial matter. Nothing was done about it, and when I was in Washington a few weeks ago I called it up and was then informed that as soon as this investigation was finished the Department would take it up and decide upon my application.

Mr. BENTLEY. To refresh your memory as to the two pieces of land that were deeded to you, I will ask you if you recall my stating to you that the Indian had already made a deed, or rather that he had been robbed of the land, though I did not value the deeds at anything, that the deeds to you would serve a double purpose, one to secure you for the money that was owing you and would also protect the Indian against the other parties—against deeding the land to somebody else?

Mr. EVEREST. That may be the way I happened to have those deeds—the two pieces of land in one deed. I know there is one deed; I never investigated it to ascertain correctly.

Mr. BENTLEY. I would like to say it covers two of the seven that Pah-pah-na-ko-the was robbed of down there—the man who was chained to the car seat, and in the instance where that fake murder trial was had.

Mr. EMBRY. Mr. Everest, in the Hampton case, Mr. Bentley, as Indian agent, investigated that matter and passed a decision for the cancellation without your being present at all, did he not?

Mr. EVEREST. I never was present at any of those investigations. Mr. Embry, in the thirty or forty cases that were investigated: I never was at any time present or took any part in those investigations.

Mr. EMBRY. How were they usually conducted?

Mr. EVEREST. That was the only case that I know of that I ever received notice, and that must have been sent to my office man or clerk. It was strictly a contest; it was an investigation by the Department itself by its special agents, and the contestant had no status in it except he was the cause that set the ball in motion, and I could do no good by being present. It was left entirely to the investigation of the special agent.

Mr. EMBRY. In this thousand dollars that was to be paid upon the cancellation of the Davis case, it was a pretty large fee for so little work, was it not?

Mr. EVEREST. I did not consider it so. It turned out to be not so large.

Mr. EMBRY. That was the usual practice?

Mr. EVEREST. No, sir; that piece of land was worth from \$1,000 to \$5,000 and the thousand dollars to secure the cancellation of it, to do the necessary work and pay the expenses, and the pay of the Washington counsel came out of it.

Mr. EMBRY. Was it a real contest in that case?

Mr. EVEREST. There was an application for the cancellation and we had to produce ex parte testimony before the Department, and we always had to run this risk that some other fellow would slip in and secure the first entry, and we were to have a contest before the Land Department then as to who should have the right to enter the land, as we did in the Lyle case.

Mr. EMBRY. How many land contests—that is, how many contests in the Land Office—over the entry or over the right to make the extra entry, did you have in the Indian allotments where you secured the allotment?

Mr. EVEREST. Nearly in every case we had an adverse claim we had to try the case before the Land Office after we got through with the Indian. Sometimes there were three or four claimants for the same piece.

Mr. EMBRY. As you now remember it, you were to receive one-third of the thousand, Rodkey one-third, and the Washington counsel one-third?

Mr. EVEREST. That is my recollection.

Mr. EMBRY. Was that money paid into the Shawnee bank?

Mr. EVEREST. Yes, sir; the contract provided for it, and I think both parties told me so.

Mr. EMBRY. May it not be that money was paid in Rodkey's name?

Mr. EVEREST. It may have been, I do not remember distinctly. I know their money was actually up.

Mr. EMBRY. But your party never received it because she did not get a filing, did she?

Mr. EVEREST. No, sir; there was some money advanced out of it. The agreement was that out of that money such fund as we needed

for the actual prosecution of the case should be advanced, and part of that money was used in the investigation to take testimony.

Mr. EMBRY. In reference to your experience before the Department here as to the seven deeds, did they not suggest further to you that they wanted the benefit of such facts as this committee should discover in this investigation?

Mr. EVEREST. Oh, yes, sir; Mr. Woodruff told me that the committee itself was investigating, and they wanted the benefit of that investigation. I suggested to him that that would not do them any good, because if this was a grant in presenti, and the rights of innocent purchasers had intervened, Congress itself could not pass an act divesting those rights, and nothing remained but to issue the patent anyway.

Mr. EMBRY. You say Mr. Bentley paid the fees when Sol Williams filed on that homestead?

Mr. EVEREST. No, sir; I said when Sol Williams relinquished and Mr. Bentley filed he paid me for what work I did then.

Mr. EMBRY. How much of the \$5,000 which you loaned to Mr. Bentley in August, 1906, has been repaid?

Mr. EVEREST. I think the amount now due is about \$4,200, principal and interest. I computed it a short time ago and found that it was between four thousand and four thousand two hundred.

Mr. EMBRY. Have you received any money from Mr. Ives?

Mr. EVEREST. Yes, sir; Mr. Ives paid me some money on this occasion?

The CHAIRMAN. Do you mean as an attorney fee?

Mr. EVEREST. Yes, sir; attorney's fees in that last group of cases occurring since June 21, 1906.

Mr. EMBRY. Here is an item in Mr. Ives's account of October 31, 1906: "Cash to J. H. Everest, see attached copy, \$564.40." This appears to be the attached copy.

Mr. EVEREST. Please let me see what that is made up of. [Examining paper.]

Mr. EMBRY. That appears to include some other items as well.

The CHAIRMAN. Is it a bill?

Mr. EMBRY. Yes, sir; it is an itemized account.

Mr. EVEREST. It is \$564.40.

Mr. EMBRY. Yes; what is that for?

Mr. EVEREST. I see some of these items that I recollect. Here is a fee of \$338. That is the balance of the fee of \$40 promised to me, I think, by the Shawnee Townsite Company, and under an agreement with Mr. Bentley on behalf of the Indians I think he was to pay \$400 of that fee and the townsite company \$100. It has all been paid to me, and I think that is what that \$338 is.

The CHAIRMAN. Is that the bill you made?

Mr. EVEREST. No, sir; I never made this bill. This is the bill he made up of moneys he had expended at various times. This is not my bill at all. These small items I suppose are all correct.

The CHAIRMAN. That money has all been paid, has it?

Mr. EVEREST. Yes, sir; that money has all been paid. That had nothing to do with the money loaned; it was for services.

Mr. EMBRY. Here is another item for \$180, which indicates that it was for services.

Mr. EVEREST. When was that paid, Mr. Embry?

Mr. EMBRY. That was December 24, 1906. What services were those?

Mr. EVEREST. That represents retainers in various cases affecting the titles to these Indian lands.

Mr. EMBRY. There is an item here on December 22, 1906: "By cash, J. H. Everest, to apply on M. J. Bentley's account, \$1,313.85." What is that?

Mr. EVEREST. That is correct. That is the only payment made on the note. It has been running for a year or more at 10 per cent.

Mr. EMBRY. If I understand you as to these tracts of land, you had a mortgage covering two tracts?

Mr. EVEREST. I had originally a mortgage covering 240 acres. I believe that one eighty was sold to a man by the name of Fletcher, and that Fletcher gave a mortgage back. I think he paid this \$1,300 in money, and that was paid me on my debt, and then he gave a mortgage back for \$2,200, which was assigned to me as collateral to take the place of the eighty I had released, which would leave me 160 acres.

Mr. EMBRY. Covered by mortgage?

Mr. EVEREST. Yes, sir; and this collateral mortgage.

Mr. EMBRY. In addition to that you have deeds to two eighties?

Mr. EVEREST. No, sir; my recollection or impression was when I first testified that possibly these deeds were given as additional security, but Mr. Bentley has just stated in the presence of the committee that those deeds were given in some cases where I am endeavoring to cancel the fraudulent deeds, which is an independent matter altogether.

Mr. EMBRY. I have a memorandum here showing four tracts in which you have some claim. I notice Nan-pah-hah to J. H. Everest.

Mr. EVEREST. I think that is one of the tracts.

Mr. EMBRY. You appear to have a deed on that, and you also appear to have a number of mortgages executed by somebody on it.

Mr. EVEREST. I do not know anything about that. Is that the case where Wood is interested?

Mr. EMBRY. Yes.

Mr. EVEREST. That was a case that I have forgotten about where I represented the Indian.

Mr. EMBRY. What interest have you in that?

Mr. EVEREST. My attorney's fees, that is all.

Mr. EMBRY. How much is that?

Mr. EVEREST. I can not tell you without the record; I have so many cases that it is impossible for me to recollect what the fee is, but it is in a written contract.

Mr. EMBRY. This abstract shows a mortgage dated September 26, 1906, Nap-pah-hah to J. H. Everest, lots 2, 3, 1, and 4, and other tracts in 21-12-1 for \$1,800, acknowledged before W. A. Bonnet. Have you a mortgage in that sum, \$1,800?

Mr. EVEREST. Well, if that is the record, I have.

Mr. EMBRY. Is that for attorney fees?

Mr. EVEREST. No, sir; I have no attorney fee of that size. If I remember correctly that is a case where this Indian has inherited portions of a number of allotments. I think that is the case.

Mr. BENTLEY. If the committee will permit me, inasmuch as this is a matter that I know more about than Mr. Everest, and I am

not certain I have ever disclosed my full purposes, I would like to have it made clear to the committee.

Mr. EMBRY. Is there any further explanation that you desire to make?

Mr. EVEREST. This mortgage was taken by Mr. Bentley without my knowledge, and it was understood that it was to protect me in a reasonable fee in case of success.

Mr. EMBRY. It has not been determined yet what the fee shall be?

Mr. EVEREST. No, sir; because we are trying the cases in court.

Mr. EMBRY. It is problematical as to the value of this, is it?

Mr. EVEREST. It is problematical as to the outcome and the amount of work involved. It may go to the supreme court of the State and it may stop where it is.

Mr. EMBRY. The abstract shows "Noten and wife to J. H. Everest conveying the W.  $\frac{1}{4}$  of the SE.  $\frac{1}{4}$  of 33-12-2."

Mr. EVEREST. I am glad you called my attention to that. That was one of the original 7 that were included in the act of Congress. When Mr. Bentley told me that that act had passed and that the land was going to be sold to provide a fund to take those Indians and get them elsewhere, I told him I was in the market for a good piece of land if I could get it at a reasonable price, and if he found anything of that kind to let me know. When he came back he told me that he had put this Noten deed in my name, and if I wanted the land I could have it at, I think, \$40 an acre, whatever the price was in that deed; I think it was \$40. I persuaded my wife to go with me and look at the land, and we went over to McLeod, near which place this land is, and we drove all around over it. I discovered that quite a lot of it was subject to overflow. It was badly located land, and I did not think it was worth \$40 an acre. I told Mr. Bentley if he would make me a reasonable price, which I thought would be about \$25, I would take the land and pay the money. He said he had a better offer than that; that he could not sell this land for less than it was worth, and as long as he had a better offer he could not deal with me on that, and he told me to make a quitclaim deed, if I had no objection, to the purchaser, Mr. Maxey, who was willing to pay the price. I did so. I never received a cent from it in any way.

Mr. EMBRY. Do you know what Mr. Maxey paid for it?

Mr. EVEREST. I can not tell. It was a much greater price than I was willing to pay. I think it was about \$40 an acre.

Mr. EMBRY. You have no interest at all in that have you?

Mr. EVEREST. Absolutely none and never did have any.

Mr. EMBRY. It seems that Pah-pah-me-na-ko-the conveyed to J. H. Everest on August 27, 1906, lots 1, 2, 3, 4, and 5 in sec. 21-12-1 for \$1,000. There was no consideration in that was there?

Mr. EVEREST. Was that a deed?

Mr. EMBRY. It is a deed in form, but I have marked below "no consideration," from the information I have acquired elsewhere. Is that not one of the contracts?

Mr. EVEREST. I expect it must be. Is that the name we had here a while ago? These Indian names are very difficult to me. I have no pecuniary interest in that.

Mr. EMBRY. There is no money paid on it?

Mr. EVEREST. Unless it is in the way of a fee.

Mr. EMBRY. Here is a deed dated August 27, 1906, conveying the W.  $\frac{1}{2}$  of the SE.  $\frac{1}{4}$  of 14-12-1. What do you know about that?

Mr. EVEREST (after examining paper). I have no recollection about that deed at all. I have no pecuniary interest in it unless it is by way of attorney's fees.

Mr. BENTLEY. Mr. Everest, I will ask you to state to the committee whether or not you defended me in an action brought by the United States Attorney to remove me as guardian of Na-ah-che-thot, an Indian boy?

Mr. EVEREST. Yes, sir.

Mr. BENTLEY. Will you be kind enough to state to the committee the grounds on which that removal was sought?

Mr. EVEREST. Well, I do not recollect distinctly what all the grounds were, but I believe the charge was made that you were not a fit person to have charge of the boy. That was one of the allegations.

Mr. BENTLEY. Is your recollection distinct as to whether or not any testimony was offered to show that my character was good or bad in that connection?

Mr. EVEREST. There was no testimony offered on that proposition. I think, showing that it was bad, but there was considerable testimony offered to show that it was good.

Mr. BENTLEY. Do you recall at this time any of the contentions made by the assistant United States attorney as to why I should be removed?

Mr. EVEREST. I confess that I do not remember just what took place there; it has been quite a while since that fight occurred, but we were successful in it, and I at once dropped it from my mind.

Mr. BENTLEY. You are acquainted with the land in controversy between myself as guardian and L. C. Grimes and Mr. Pipher, I believe?

Mr. EVEREST. Yes, sir.

Mr. BENTLEY. The estate of Na-ah-che-thot?

Mr. EVEREST. Yes, sir.

Mr. BENTLEY. Are you in a position, by reason of your association with matters as attorney, to state to the committee whether or not the court expenses for some years have exceeded the rentals of the land?

Mr. EVEREST. Yes, sir; I know they have, because there has been continuous litigation over that land; at one time I think there were four or five lawsuits over that particular piece of land pending in different courts.

Mr. BENTLEY. Depositions have been taken, I believe, in several instances?

Mr. EVEREST. Yes, sir; I believe depositions were taken in Mexico or in El Paso.

Mr. BENTLEY. Are you able to state to the committee whether or not very recently at Mr. Thackery's office depositions were taken?

Mr. EVEREST. Yes, sir; I know that.

Mr. BENTLEY. Were you present?

Mr. EVEREST. No, sir; I was not. I think my office man, Mr. Smith, represented me on that occasion.

Mr. BENTLEY. Were you advised by him as to who were present at Mr. Thackery's office during the taking of those depositions?

Mr. EVEREST. I probably was, but I could not state now.

Mr. BENTLEY. Your information is that Indians appeared there and Mr. Grimes sought to take depositions of them?

Mr. EVEREST. Yes, sir; some Indians appeared there at the office under Mr. Grimes. He was one of the parties to the suit and he produced them. I think I have read the depositions and they show the appearances.

Mr. BENTLEY. I would like to have you state to the committee whether or not in my efforts to secure the rights of my ward, Na-ah-che-thot, I have not in every way for years been opposed both by the Indian Office and representatives of the Department of Justice?

Mr. EVEREST. Mr. Thackery's secret opposition and that of the Indian Office has been adverse to your position as to the boy, Na-ah-che-thot. That is one of those cases, if I remember correctly, where Quen-ne-po-thet was recognized by the Department as the owner of the land and Na-ah-che-thot was excluded from any participation in it. Our contention was that the boy was entitled to the land, and we steadfastly pursued that contention in the various courts, and the case is pending there now.

Mr. BENTLEY. From your observation the contention of the Department has not been beneficial to the Indian ward, has it?

Mr. EVEREST. It has not been beneficial to Na-ah-che-thot, and he has been excluded. If the policy of the Indian Department is correct and is carried out he will lose 160 acres of land to which I believe he is absolutely entitled as the heir of his mother.

Mr. BENTLEY. This contention has been practically between myself, as guardian, and Mr. Grimes, has it not?

Mr. EVEREST. As claimant under Quen-ne-po-thet.

Mr. BENTLEY. I would like to have you state to the committee whether or not Mr. Thackery has not exerted every possible influence to sustain Mr. Grimes?

Mr. EVEREST. His testimony, as well as his appearance in court, was on that side.

Mr. BENTLEY. You mean in behalf of Grimes?

Mr. EVEREST. Yes, sir; it tended to sustain Mr. Grimes's title, of course.

Mr. BENTLEY. Did anything develop in those cases that would lead you to form an opinion as to whether the relations between Mr. Thackery and Mr. Grimes were cordial or otherwise?

Mr. EVEREST. They certainly appeared to be at that time. In the prosecution of that case they were acting together. The United States even represented Mr. Thackery and virtually represented Mr. Grimes, because it was Grimes's interest.

Mr. BENTLEY. From your observations in the case, had the contention of the Government been sustained would not my ward have been deprived of 160 acres of land?

Mr. EVEREST. Certainly; if Quen-ne-po-thet was held to be the owner of it, Na-ah-che-thot would not have got any of it, either rentals or titles.

Mr. EMBRY. Another Kickapoo would have gotten it, would he not?

Mr. EVEREST. Quen-ne-po-thet would have got it.

Mr. EMBRY. There is nothing about that lawsuit except that it is a good, hard-fought lawsuit.



Mr. EVEREST. There is nothing about it, except the whole thing turned on the question of whether Quen-ne-po-thet was legally married to Na-ah-che-thot's mother.

Mr. EMBRY. You have not observed that Mr. Bentley has been abused in that lawsuit, have you?

Mr. EVEREST. Only that they made the charge that he was not a man of good moral character, and not entitled to be guardian, but they introduced no evidence in support of it.

Mr. EMBRY. As a lawyer you made the issue and tried the case?

Mr. EVEREST. Yes, sir.

Mr. EMBRY. Did the United States attorney or anyone else resort to any indirect methods?

Mr. EVEREST. No, sir; Mr. Scothorn was very fair, and, in fact, withdrew some of the charges.

Mr. EMBRY. Now, as far as Mr. Thackery's testimony going to support Mr. Grimes's title is concerned, you had no reason to think that Thackery testified to anything except what he thought was the truth?

Mr. EVEREST. I do not think Mr. Thackery testified to any material fact in the case. He was there representing the Government to present the matter, and I do not recall that he testified.

Mr. EMBRY. You understood that he was acting under the direction of the Department and it was his duty to be there, did you not?

Mr. EVEREST. Yes, sir; I suppose so. I suppose that the Department had ordered him to do so and so.

Mr. EMBRY. And you suppose he had made recommendation to the Department?

Mr. EVEREST. Yes, sir; in fact I know he had. It was on his recommendation that the Department acted.

Mr. BENTLEY. Are you not mistaken? Had Grimes been successful in his contention the land would not have reverted to another Indian, but would have reverted in part to Grimes, would it not?

Mr. EVEREST. As the grantee of the Indian; yes, sir.

Mr. EMBRY. Grimes had his money up, had he not?

Mr. EVEREST. I do not know whether he had put up any money.

Mr. EMBRY. You understood that Grimes was claiming as purchaser at the Government sale, did you not?

Mr. EVEREST. Yes, sir; understood that he claimed to have purchased that through the Government.

Mr. EMBRY. If the other Indian won, he would get the money for which the land was sold. If that Indian won, he would get the land?

Mr. EVEREST. That is true, of course.

Mr. BENTLEY. Is it not your understanding, and do you not know it to be the fact, that the other Indian has got the money?

Mr. EVEREST. Quen-ne-po-thet; yes, sir; undoubtedly the money was paid when the land was approved.

Mr. EMBRY. As a lawyer, do you not know that that would be no impediment to your recovery?

Mr. EVEREST. No, sir; I think it would only be a mistaken payment.

The witness was thereupon excused.

Mr. HOWE. If the chairman please, there is just a little matter here that I would like to reply to as to this letter written by me.

CHESTER HOWE, having been first duly sworn, testified as follows:

Senator CURTIS. State your name.

Mr. HOWE. Chester Howe.

Senator CURTIS. What is your profession?

Mr. HOWE. Attorney at law.

Senator CURTIS. Where do you live?

Mr. HOWE. Washington, D. C.

Senator CURTIS. How long have you been a practicing lawyer in Washington, D. C.?

Mr. HOWE. Indirectly for sixteen or eighteen years; directly for between eleven and twelve years. That is, my residence has been here for that length of time.

Senator CURTIS. I will ask you to state to this committee if you were attorney in the case of L. A. Hampton, the contest of Indian allotment by Hampton?

Mr. HOWE. I was.

Senator CURTIS. Now, the record has been shown you. Have you any statement you wish to make in reference to any exhibit. If so, please make it to the committee.

Mr. HOWE. I was employed by Leonard A. Hampton, in connection with this matter, to look after the question of the cancellation of what was alleged to be a double or erroneous Indian allotment so far as it might require an attorney in Washington. J. H. Everest, of Oklahoma City, was the local attorney. These actions were not brought as contests. There were no rules of practice, and the parties filing obtained no preference rights or no rights to the land by reason of their contest. They petitioned the Secretary of the Interior, in the exercise of his supervisory authority, to investigate. If the land was canceled as a result of that investigation, the contestants obtained no preference right and nothing in the land other than any other qualified homestead entry man could. To protect any right they might have I invariably instructed them to go and make settlement upon the land and be there as an actual settler, so that their rights would attach eo instanti upon the cancellation.

Senator CURTIS. So that that would be notice.

Mr. HOWE. So that would be notice to any other intending entry man. When these entries were canceled—any such entries in the Secretary's office—notice was transmitted to the Indian office of that fact; but it was held by the office that no application could be received until that was sent to the local land office, which released the land from its former segregation.

The CHAIRMAN. You mean its former allotment?

Mr. HOWE. Yes, sir; former allotment, and segregation by virtue of the allotment, not a part of the public domain. The Secretary had a rule that no notice would be issued to attorneys as to when notice of cancellation was forwarded to the local offices, no matter though they were employed, it being a theory or a fiction that, as no preference rights were granted, no rights attached to anyone, and that it might work hardship or wrong. I was employed in this and a number of cases to examine the proofs, search the records here, examine the evidence after it was transmitted, brief the cases if it were necessary, present the matters to the Indian Office and the Secretary, and

wire the parties when the Secretary canceled, so they might be looking out for cancellations coming to the local office, which usually followed in about two weeks, and I had nothing to do with the taking of proof in the causes, but in proving the cases and presenting them. This was one of those cases. After this case was decided and one entry had been canceled, as one must have been under the record, I visited Shawnee, Oklahoma, and I assumed from this letter that I was in the city of Shawnee, or town of Shawnee, on August 5, 1903.

Senator CURTIS. You say this letter. What exhibit is that?

Mr. HOWE. Exhibit No. 79, and is written from Shawnee, dated at that point.

Senator CURTIS. What is the date, if you please?

Mr. HOWE. August 5, 1903. It is signed by me. I do not remember the date independent of the letter, but I was in Shawnee at about that time. There my attention was called to the fact that after the action of the Secretary that there had been some probate proceedings in relation to the son of Quen-nep-o-thot, who claimed to be the heir of this lady, and that in those probate proceedings, Quen-nep-o-thot's testimony and the testimony of other witnesses was taken, showing that Ah-na-sho-peah, Allottee No. 183, was not the wife of Quen-nep-o-thot, and some other facts which I deemed material to what had formerly been this Leonard A. Hampton case. I addressed this letter to the Commissioner of Indian Affairs, asking him, in view of the fact of this testimony having been given, to refer this matter to a special agent for investigation, with a view to correcting an error, if one had been committed, and that is the letter marked Exhibit No. 79. In connection with this case and this record, I think it fair to make another statement. This matter of cancellation of Indian allotments did not originate in the Kickapoo country, but my recollection is, was after the allotment of the Cheyennes and Arrapahoes, which was in 1902.

The CHAIRMAN. What year?

Mr. HOWE. It was opened in 1892. There were about thirty double allotments near El Reno and Fort Reno, and an act was passed permitting the Secretary of the Interior to cancel double allotments. Where an allottee was allotted in two names—I recall one case. The Indian's name was Mayo. The American name, Looking Over, to an allotment, I think, was given in each name. Where the allotments were double in that way it was customary to bring a petition in this manner and the action of the Office usually was to call upon the Indian allottee to select which of the two he would retain, I presume, with the agent's approval and assistance. After the Kickapoo country was opened to entry and settlement which was in 1895, it was found that there were a number of double allotments, or allotments where there was no such Indian. I had business with the Kickapoos, as has been shown in my former testimony. I had a contract with them, made in 1898. After a number of these had been canceled I suggested to Mr. Bentley that he ought in some way, if he could, get some income for those Kickapoo people out of these cancellations. Men were not willing to pay as much as they would for homestead relinquishments, where there was a certainty of title, for in many instances the proof failed, they were bought through misapprehension or ignorance of the record, and of course the testimony was voluntary in the beginning. There had to be some inter-

preter, or some one to get up the affidavits, and I assume had to be paid a fee of \$5 or \$10, or whatever they exacted, for obtaining the information as to erroneous allotments. It was not double allotments, and I think this case—I do not know whether any others or not, and I am not certain as to the identity of this—but I suggested to him that he endeavor to make some contracts in some way where those people could get something for their common fund, which they then denominated as fight money, some return from these allotments, and whether or not this contract was based upon that I can not say.

Senator CURTIS. Did you give him that advice while he was Indian agent?

Mr. HOWE. I do not remember whether he was in office or not.

Senator CURTIS. You did it in the Hampton case, or before that?

Mr. HOWE. I am not certain, but that is my impression.

Senator CURTIS. Do you think it was a proper thing for him to do while he was agent, to collect money for a fight fund, or any other fund, for the Indians, simply because there was a double allotment, when any man had a right to enter upon that land, one man having just the same right as another? Had he any right to take money from one man and make him a favorite?

Mr. HOWE. I do not think he took the money as a favor.

Senator CURTIS. That gave him an undue advantage, did it not?

Mr. HOWE. You misapprehend. They had no rights except under a settlement. Here is the situation as I understand it, and as I understood it. You take an interpreter there by the name of Joe Whipple, who could be used as a sample, and those parties would claim entry of a double allotment. They would make a contract with some desiring homesteader and that contract would run to \$100 for furnishing him the evidence and assisting him in obtaining the cancellation. When those cases came up to me I was employed and found they were double. I ascertained the fact to be that some of these homesteaders had made contracts of that character. I do not know that it was with the Kickapoos, but generally. That was the practice. I suggested to Mr. Bentley that he ought to adopt some course, if he could, whereby the Kickapoos, as a whole; for that land was not public land then, it had been allotted—

Senator CURTIS. But the minute that allotment was canceled it became public land?

Mr. HOWE. Yes; then it did.

Senator CURTIS. Now, was it a proper thing for an agent to do, to take advantage of his knowledge of an erroneous entry and have a party who had just as good a right to that land as anybody else advance money in order to secure the knowledge or be aided or assisted by those Indians in having it cancelled?

Mr. HOWE. I will leave that to the judgment of the committee.

Senator CURTIS. You gave the advice.

Mr. HOWE. I suggested very frankly that instead of letting those lands drift away and go to Tom, Dick, or Harry, they should go to some individual member.

Senator CURTIS. Did you know this man, Leonard Hampton?

Mr. HOWE. No, sir.

Senator CURTIS. How did he happen to employ you, do you know?

Mr. HOWE. Through J. H. Everest.

Senator CURTIS. He recommended you. Did you have any understanding with Mr. Bentley that he was going to recommend this man to employ you as a lawyer?

Mr. HOWE. No, sir; he never did that.

Senator CURTIS. You had no understanding with him?

Mr. HOWE. No, sir; nor agreement.

Senator CURTIS. What were your usual fees in those cases?

Mr. HOWE. About \$100. That was the amount received in a number of cases for my services.

Senator CURTIS. Was there anyone connected with you?

Mr. HOWE. And where that was fixed, those fees were generally guaranteed in the event of cancellation by J. H. Everest, who made the contracts down there. In one or two cases a larger fee was paid, but in no case that I remember over \$200.

Senator CURTIS. Was Mr. Everest your partner?

Mr. HOWE. No, sir.

Senator CURTIS. Was he associated with you in cases?

Mr. HOWE. Where individual employment was made.

Senator CURTIS. What division did you have? What division of the fees?

Mr. HOWE. I divided no fees with Mr. Everest.

Senator CURTIS. He looked after his fee down there?

Mr. HOWE. Yes, sir.

Senator CURTIS. Did you have any understanding that you would divide part of your fee with Mr. Bentley?

Mr. HOWE. No, sir.

Senator CURTIS. Or anybody else connected with the service?

Mr. HOWE. No, sir.

Senator CURTIS. Any Indian interpreter?

Mr. HOWE. No, sir.

Senator CURTIS. Then, as I understand it, this employment came to you in the ordinary course of business, just the same as any ordinary client?

Mr. HOWE. Absolutely.

The CHAIRMAN. You went upon the theory, as I understand you, that this was not public land, but was really Indian land, and the Indian ought to have the benefit of it and not the public? Is that your theory?

Mr. HOWE. Yes, sir; as long as it had been allotted. As allotments stood upon it, that was the basis of my statement in regard to that matter.

The CHAIRMAN. You wanted to save something for the Indian?

Mr. HOWE. Yes, sir; as the white man was getting the allotment anyway. The land had already appreciated in value. There was a different value from that of an opening.

Mr. BENTLEY. Were you ever interested in any other Kickapoo land cases than the one mentioned in the Kickapoo country, and how many were you personally asked to be interested in elsewhere, those that I had nothing to do with in any way.

Mr. HOWE. I apprehended, just on first blush, thirty or forty cases—some of them not successfully, of course.

The CHAIRMAN. In the Kickapoo country?

Mr. HOWE. Yes, sir; there was a large number brought in which I was not successful. The evidence failed. They were not double and not entitled to cancellation.

Mr. BENTLEY. Those in the Kickapoo country, where any cancellation was made, were you employed in, do you recall? Is it not your judgment that in the Kickapoo country there were never more than two or three instances where cancellations were made?

Mr. HOWE. Yes, sir; more than that. Most of them after you went out of office. During your term of office I have no recollection of any, except the Mah-me-she-kah family, and I do not know who the attorneys were in that. You followed your instructions and determined the Mah-me-she-kah allotment should be canceled. There were a number of Creek and Shawnees who had double allotments.

Mr. BENTLEY. I am referring to Kickapoos.

Mr. HOWE. No; I do not think so. Yes; I think you are right. There were only four or five of those cases.

Mr. BENTLEY. Not that many. The only cancellation I know was the Mah-me-she-kah case and the Negro Mills case. I remember of no others. As you stated, other contests may have been brought, but they were brought erroneously and an effort was made to cancel allotments that should not have been canceled. But as to those I have no knowledge.

Senator CURTIS. Is that your statement? Let us get through with this witness before you make your statement.

Mr. BENTLEY. Pardon me, Senator, do you want to ask any more questions?

Senator CURTIS (to Mr. Bentley). Do you want to make that as a question?

Mr. BENTLEY. I started out by a question and wound up with an answer.

Senator CURTIS. Lawyers do that sometimes; they like to answer their own questions.

Mr. BENTLEY. I want to demonstrate the number of allotments in the Kickapoo country by this witness.

Mr. EMBRY. Did you get a fee in this Hampton case?

Mr. HOWE. I could not tell you without looking it up, but I think I did, probably \$20 or \$25.

Mr. EMBRY. Is that your signature [exhibiting a paper]?

Mr. HOWE. No, sir; that is not my signature.

Mr. EMBRY. Who is "M. I." who signs your signature?

Mr. HOWE. A stenographer in my office, but I was trying to think who it was. [After a pause.] It was Mrs. Margeret Ironsides, now in the Indian Service. She was stenographer for me a year or two.

Mr. EMBRY. Mr. Bentley talked to you about this case, the Hampton case?

Mr. HOWE. Oh, yes, sir.

Mr. EMBRY. I desire to offer this letter now. This was a letter sent out by your authority and in the course of your business?

Mr. HOWE. Yes; it is on my letter paper.

Mr. EMBRY. Letter to Hampton, dated January 23, 1902, signed "Chester Howe, per M. I.":

WASHINGTON, D. C., January 23, 1902.

LEONARD A. HAMPTON, *McLoud, Okla.*:

MY DEAR SIR: Mr. M. J. Bentley, while in the city recently requested me to look up the record in your application for the cancellation of Allotment No.

183, and he subsequently took such steps to complete the record as was deemed proper by the Department. I inclose herewith notice that the same has gone to the Secretary. Mr. Bentley will doubtless confer with you, and I think within sixty and possibly thirty days I can have this cancellation.

Mr. Bentley authorizes me to write you at McLoud. Please advise me as to what arrangements you have made with reference to the receipt of a telegram, and after conferring with Mr. Bentley, inform me if the matter is satisfactory.

Yours,

CHESTER HOWE.

Per M. J.

We also offer in evidence letter of Chester Howe to M. J. Bentley, dated Washington, D. C., January 29, 1902:

The Secretary has returned the Hampton case for further investigation as to where that patent went. In his letter he said there is no positive evidence that the two parties named are the same person. Allen read me part of the evidence and made the remark that they were very anxious to cancel an Indian allotment at times, and at other times they displayed no anxiety whatever. He seemed put out about it, and I asked him if he would not phone over to Bender and have a talk with him about the case. He agreed to do so, but he is just about sick to-day. He has been absent from his desk for two days and told me that he would lay the matter aside until he felt better, and then look after it.

Advise Hampton and keep me posted with regard to this matter.

Is that your signature?

Mr. HOWE. Yes, sir.

Mr. EMBRY. I now offer in evidence this letter of Chester Howe to Hampton, dated September 22, 1902:

I wrote to Mr. Bentley about your case quite fully some little time ago, but in response to a letter from J. H. Everest, of Oklahoma City, I have advised him fully to-day, and you had better go and see Everest and consult with him about the situation.

The CHAIRMAN. Who was the lawyer you spoke of?

Mr. HOWE. J. H. Everest.

At 12 o'clock m. the committee took a recess until 2 o'clock p. m.

CHESTER A. HOWE recalled for further examination.

Mr. EMBRY. You used an expression in which you said the Indians referred to certain funds as fight money. What was that; how did you understand it?

Mr. HOWE. I do not know how they understood it, but they had no funds as I understood down there. They had been up here once or twice or three times to Washington to present their matters to the officers of the Government, and they had to have funds to pay railroad fare and board, and when they came the first and second time they got that money in contributions, I think, I think once or twice by allowance from the Department, they got that expense fund, and in talking to me the Indians said this is fight money, protesting against the conditions as they were down there.

Mr. EMBRY. Now, if I understand that, that was the dissatisfied Kickapoos who made frequent trips here complaining about allotments?

Mr. HOWE. Yes, sir; originally about allotments or about their treaty and about the price paid for their lands, and generally protesting against conditions; those were the Kicking Kickapoos.

Mr. EMBRY. When did they begin making trips up here, during the time Bentley was agent?

Mr. HOWE. Yes, sir; but before my connection began with them in 1898.

Mr. EMBRY. Was it in that connection that you advised Mr. Bentley to get this money out of this cancellation of allotments?

Mr. HOWE. It was in connection with the common fund, and they were not getting anything.

Mr. EMBRY. It was to replenish the fight fund; it was to go into that, was it?

Mr. HOWE. My suggestion was to get something out of it, and that was the only fund they had. I never called it fight fund; that was the term as they knew it.

Mr. EMBRY. You say you always advised some one to go on the allotments and make improvements that their settlement might attach?

Mr. HOWE. When I saw the parties personally; yes, sir.

Mr. EMBRY. You do not know what advice Hampton had?

Mr. HOWE. No, sir; I did not advise him personally or see him, I think, until after the action had been taken, but at least to hold along in the case some time when I was down there.

Mr. EMBRY. Do you know anything about the report of Mr. Dixon, in which he represented that Mr. Davis had stated to him at Shawnee that he had deposited or had agreed to pay Perry Rodkey \$1,000 in the event he secured a homestead entry or an Indian allotment?

Mr. HOWE. I do.

Mr. EMBRY. What do you know about that Davis contest?

Mr. HOWE. The Davis contest was a Shawnee contest which was brought in the name of a woman, Claudel Davis, a daughter of a man who did the corresponding and talking, and was against a member of the Thecowsa family. I was employed in that contest by J. H. Everest, and there was no retainer fee paid in it. After the contest had been practically closed—at least I was in the Indian Office one day and my attention was directed to a report of a special agent, and since being here at this hearing, I think it was Dixon referring to a statement made by this father with relation to the depositing of a fee somewhere and connecting M. J. Bentley with that contract in some way—I do not remember the exact details. I know that I announced then and there, assuming that to be correct, that I would have nothing more to do with the contest in any manner, shape or form; that the man, if he was a rascal, was not the kind of client that I wanted, and, if he was not, he was probably, to use strong language, a liar or a fool. W. S. Field was there in my office at the time; he went to Shawnee within a day or very soon thereafter, and he came back and reported that he had seen Davis at Shawnee and Davis had talked with him and denied making the statement. But the contest closed, at any rate, soon after, and the party who contested was a woman, and she married and thereby became disqualified as a homestead entryman and could not make the entry if it had been cancelled, and the case failed. I know nothing of the facts.

Mr. EMBRY. If the statement made was true that Davis had agreed to pay a thousand dollars on cancellation or securing homestead entry, was that any different arrangement from the kind you had advised Mr. Bentley to make?

Mr. HOWE. No, sir.



Mr. EMBRY. What distinction do you make between the two methods?

Mr. HOWE. The statement, as I understood it—I have not seen it since, but the statement I understood reflected upon someone's integrity—as stated, I have not seen this statement. You said something about it, but I did not read it. There was something in that statement at that time that I objected to, and if that is the statement made by me it is the one I spoke of; I do not know that I even read it at the time.

Mr. BENTLEY. If you will pardon me, Mr. Embry, to make the record clear I would like to ask Mr. Howe a question. You never understood that I had any knowledge of that contest or had any interest in that, did you?

Mr. HOWE. No, sir; I did not. I want to make another distinction, too. This was a Shawnee case, it was not a Kickapoo case. Bentley was not agent for those people at all; this was the White Turkey band.

Senator CURTIS. The Big Jim band was the only band under you, Mr. Bentley?

Mr. BENTLEY. Yes, sir; I never had any jurisdiction over this land. I was detailed once as a special agent of the Government to look up a special matter with relation to it, but they were not under my jurisdiction.

Mr. EMBRY. Now you say that the White Turkey band was not under your jurisdiction as assistant United States Indian agent?

Mr. BENTLEY. No, sir; my jurisdiction only extended to those known and distinguished as the Big Jim band—the minority band.

Mr. EMBRY. Who were the others under?

Mr. BENTLEY. They were under Lee Patrick. In that connection I want to say that the land which later became my homestead was not in my jurisdiction when I was agent.

Mr. EMBRY. You assumed to make a lease on that, did you not?

Mr. BENTLEY. I assumed to make a lease on it afterwards and asserted jurisdiction from the fact that the land had been heired by a Big Jim Indian, but I never asserted any jurisdiction until it had changed from one band to another, and then I wanted the man who lived on it to make a lease through me, but it had already been leased to Lee Patrick's father-in-law by the Sac and Fox agent. But until after the time of the contest I never asserted any jurisdiction.

Mr. EMBRY. Now, Mr. Howe, is that the statement to which your attention was formerly called just a few minutes ago?

Mr. HOWE. Yes, sir; I presume it is. Of course I do not remember the language or anything of that kind, and I do not know that I saw it.

Mr. EMBRY. What is the phase of that statement that induced you to make the remarks you did that you would have no further connection with it?

Mr. HOWE. Well, the man states here that, when questioned whether the deposit was made in favor of Mr. Bentley, he said "Oh, no;" that Mr. Rodkey was only a go-between and that Mr. Bentley was a rascal and no reputable citizen would trust him, and puts himself in the position of doing something that the party himself considered to be wrong and improper at the time. Instead of making a

straight open contract for the demand of an attorney's fee in the event reasonable and proper work was done, and I think most any reputable attorney would take umbrage and object to helping a man who believed himself was engaged in a disreputable deal, as indicated by that statement, and I assume, without going back into the details, that that was perhaps my reason for making the statement I did or sent him word I did, which was practically what was done. I want to say further that in that case before this came up I had requested Davis or J. H. Everest, I do not know which, when I was on a trip to Oklahoma, to have M. J. Bentley go to Texas, San Antonio is my recollection now, and to the vicinity of Tankersley's ranch and take some depositions down there, tending to prove the death of the allottee at the time it is alleged to have occurred. If I am right about this, this was the son of Thecowsa, or nephew, who was supposed to have died of smallpox and to have been buried on Tankersley's ranch prior to the allotment of the Shawnees in Oklahoma, and Bentley had made an investigation in the Thecowsa case prior to that time and would therefore know where to go, that is, where the people were, the vicinity or location, and as it was plain that this proof should be recorded, he could go better and cheaper and get the proof. I think he went, but I do not remember.

Mr. EMBRY. Do you know anything about the contract of land which Mr. Bentley secured as a homestead down there—a contest?

Mr. HOWE. Will you name the tract, was it an Indian allotment cancellation?

Mr. EMBRY. Yes, sir.

Mr. HOWE. Which one was it?

Mr. BENTLEY. I forget the name of the allottee.

Mr. EMBRY. Who contested it?

Mr. HOWE. Lyle, and half a dozen others.

Mr. EMBRY. What do you know about that case?

Mr. HOWE. I was attorney in the case of Lyle v. Little Charley. I was attorney for Lyle and employed by him to work—in the first place, although I did not make any of the financial arrangements I sent that case to J. H. Everest. Lyle personally employed me when I was at Shawnee on a trip, and I told him to go to Mr. Everest and employ him locally if Everest was a satisfactory party to him, and he was. The entry was probably cancelled, and I was absent from the city and did not telegraph Lyle. A man by the name of Berry, who was on the land as a renter, contested Lyle on a prior settlement case, and I had a prior settlement contest between Lyle and Berry subsequently through the Land Office, and Lyle was successful in that and made his entry.

Mr. EMBRY. Do you know anything about the financial arrangements made by Lyle, if any?

Mr. HOWE. Well, yes, sir, of this question; that is, I did not get my fees out of it, and I had some disagreements with Mr. Everest about the fact, because I think he was paid and I was not, but we did not disagree badly for this reason: he collected his fees and did not collect mine, and I thought he should have done so—that was all.

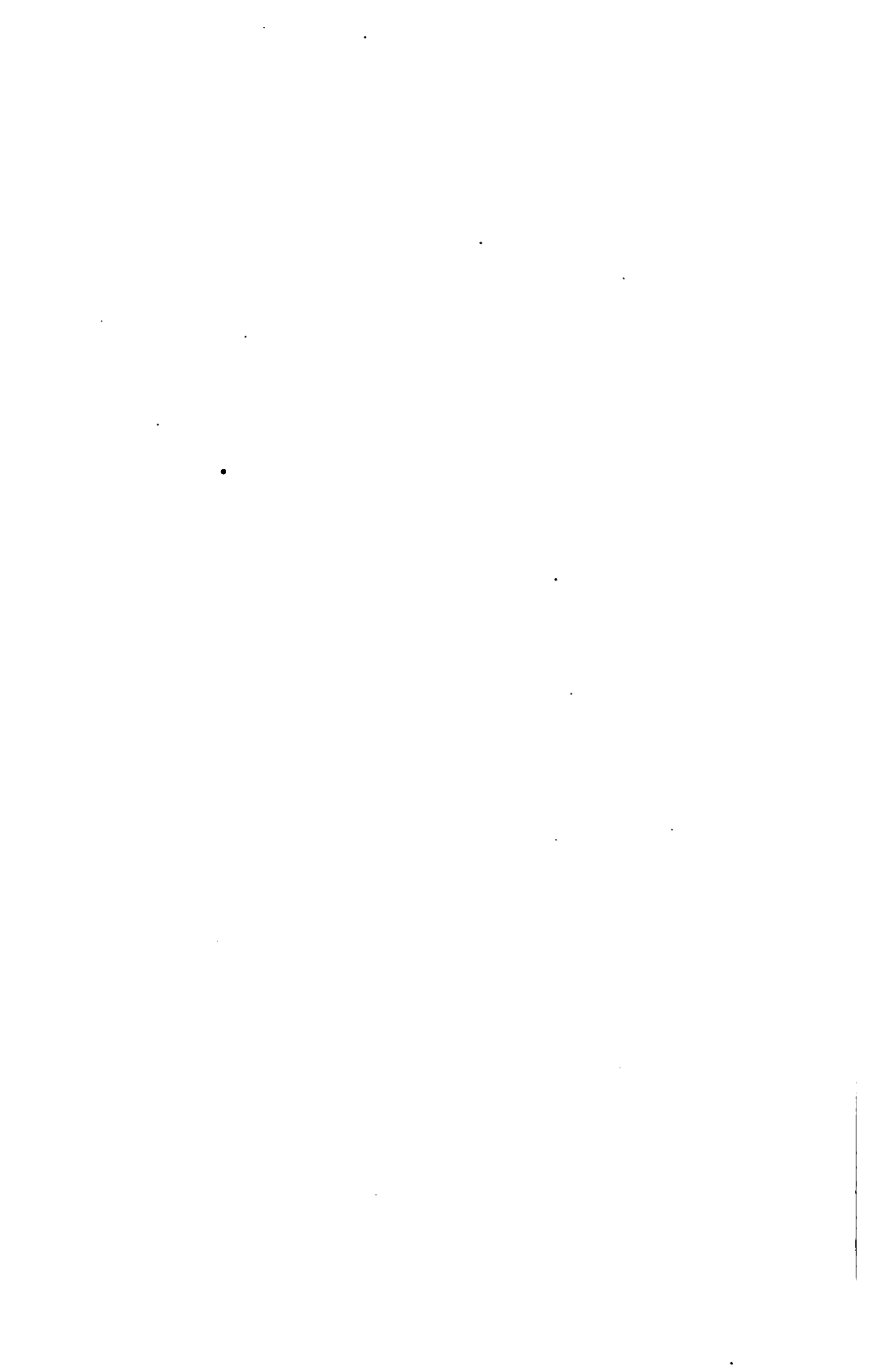
Mr. EMBRY. Is there any further statement that you desire to make as to this letter that was supposed to have been sent from Muzquiz, bearing the signatures of Noten, We-ha-niah, asking that certain

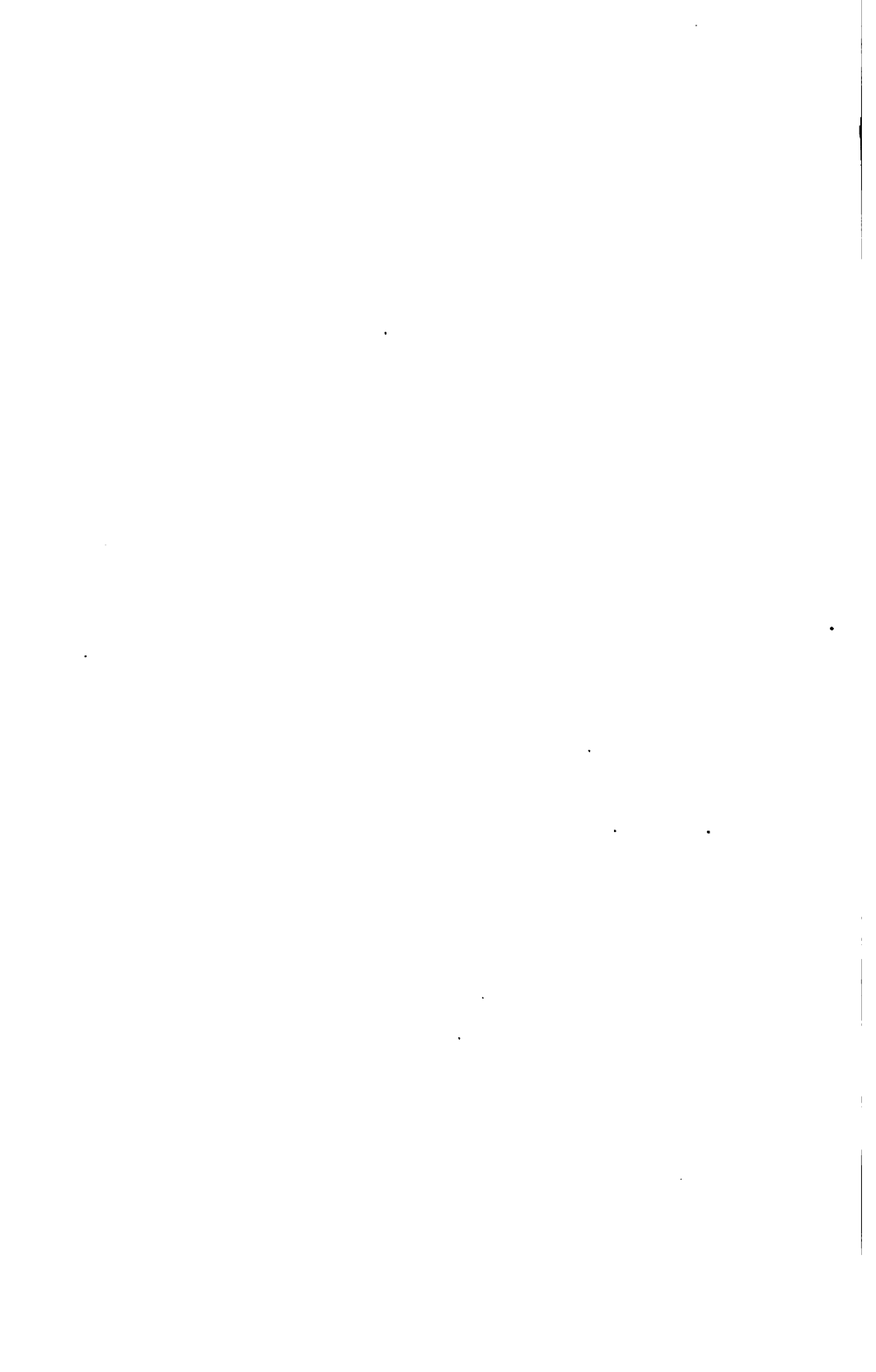
moneys be sent to Eagle Pass, Tex., for payment, to which your attention has been called? Do you desire to make any further statement besides what you have already made in the record?

Mr. HOWE. None, except to say that I know nothing about the letter further than I stated in my former testimony; and I do not understand that there is any allegation there that the parties were not entitled to the money or that they did not receive it. It seems from the statement made and attached to that letter that this letter as it stands was written in my office. Such seems to be the inference, and whether it was sent down there for signature or how the matter was arranged I have no knowledge whatever. It is not charged that I know anything about it, and I do not. The letter came to me in the regular order; I do not know whether Mr. Bentley handed it to me or whether it came in the mail. I filed it in my office together with the letter asking for the remittance of that fund, and every statement I made in that letter filed in the Indian Office at that time was literally, absolutely, and wholly true as far as I knew at the time and so far as I now know. The woman was old and blind or nearly so. I assume she was in want of the money, so far as I know, that went to her at Eagle Pass, although I have no personal knowledge of that.

Mr. EMBRY. That is all I care to ask.

At 4 o'clock p. m. the subcommittee adjourned, the chairman announcing the close of the testimony.







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